



Legislation Text

File #: 2021-0939, **Version:** 1

To: Board of Directors of the Agricultural Preservation and Open Space District, Board of Supervisors of the County of Sonoma

Department or Agency Name(s): Sonoma County Agricultural Preservation and Open Space District, Sonoma County Regional Parks

Staff Name and Phone Number: Curtis Kendall, 565-7351, Elizabeth Tyree, 565-2575

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

Initial Public Access Funding and Matching Grant Agreement Extensions - COVID-19

Recommended Action:

- A) Adopt a resolution of the board of Directors of the Sonoma County Agricultural Preservation and Open Space District ("Ag + Open Space") authorizing Ag + Open Space's General Manager, through 2022, to execute amendments to Transfer Agreements, Funding Agreements, and Matching Grant Agreements that extend the deadline for expending Initial Public Access and Operation and Maintenance funds and Matching Grant Program funds, including the deadline for providing public access and/or the deadline for implementing approved projects, because extraordinary circumstances created by the COVID-19 pandemic have caused delays beyond the grantee's reasonable control.
- B) Adopt a resolution of the Board of Supervisors of the County of Sonoma authorizing the Regional Parks' Director, through 2022, to sign amendments to Transfer Agreements, Funding Agreements, and Matching Grant Agreements with Ag + Open Space that extend the deadline for expending Initial Public Access and Operation and Maintenance funds and Matching Grant Program funds, the deadline for providing public access, and/or the deadline for implementing approved projects because extraordinary circumstances created by the COVID-19 pandemic have caused delays beyond Regional Parks' reasonable control.

Executive Summary:

The Sonoma County Agricultural Preservation and Open Space District has entered into a variety of agreements that provide funding and/or require public access for projects consistent with its Expenditure Plan, policies, and guidelines. Ag + Open Space's General Manager is requesting authority through December 31, 2022 to extend the performance deadlines in these agreements for up to three years in cases where the grantee can demonstrate that the COVID-19 pandemic has hampered or stalled progress on the project.

As a party to a number of such agreements with Ag + Open Space, the Regional Parks' Director requests authority, through December 31, 2022, to sign agreement amendments that reflect deadline extensions.

Discussion:

The Sonoma County Agricultural Preservation and Open Space District ("Ag + Open Space") initial public access, operation and maintenance funding on recreational lands. Ag + Open Space also provides matching

funds for acquisition, restoration and development for City, County, and non-profit projects through its Matching Grant Program ("Program"). Timelines are set for expending these funds and implementing the approved project. These timelines are documented in executed transfer agreements, funding agreements, recreation covenants, and matching grant agreements. In light of the COVID-19 pandemic and the need for agencies to prioritize public health measures, Ag + Open Space's General Manager is seeking authority through 2022 to extend agreements as necessary to ensure that the funding remains available, properties are opened to the public, and that projects are implemented as soon as possible.

The proposed resolution grants the Ag + Open Space General Manager authority to determine an appropriate extension period of up to three years, and to execute amendments to related agreements as necessary to implement the extension. If appropriate in the determination of the General Manager, the General Manager may condition requested extensions on the diligent performance by the grantee of obligations arising under any open contract, deed or covenant that may be in place between Ag + Open Space and the grantee.

This Board item also includes authorization for Regional Parks Director to sign agreement amendments that reflect deadline extensions during the same time period. City and non-profit partners that are party to these types of agreements will go through their own processes to obtain authorization from their respective boards or councils.

Initial Public Access, Operation and Maintenance on Recreational Lands

Ag + Open Space's Expenditure Plan allows for "limited funding for initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan." Ag + Open Space's Initial Public Access, Operation and Maintenance Policy ("Policy") was adopted by Ag + Open Space's Board on February 2, 2016 to clarify the process and identify eligible expenditures. The Policy establishes that Ag + Open Space may provide funding to entities that take ownership of an Ag + Open Space-protected recreational land for the purposes of funding capital improvements necessary for initial public access, and operation and maintenance costs that support initial public access. Per the policy, the funding is available for a period not to exceed three years from the date of transfer of ownership.

In addition to executing a transfer or funding agreement identifying the specific amount of Ag + Open Space funding allocated for initial public access, operation and maintenance, a recreation conservation covenant is often executed that identifies the timeline for opening the recreational property to the public. Ag + Open Space's General Manager requests authority through December 31, 2022 to extend the deadline for funds and project implementation beyond the three years identified in the Policy, and to execute amendments to executed agreements to reflect the extension. The original timelines for public access contemplated by related recreation covenants will not be enforced by Ag + Open Space staff unless or until there has been a breach of the terms or conditions of the extension. Staff are not seeking authority to amend recorded recreation covenants through this action. Instead, the contract amendment to be executed by the General Manager under the authority provided by the proposed resolution will assure the parties bound by the recreation covenant that the original deadline contemplated by the covenant will not be enforced, subject to the grantee's compliance with the terms of the extension. This is a more cost-effective and efficient solution to implement the extensions that may be requested insofar as it obviates the need to prepare and record modified covenants, which requires title and legal work.

Sonoma County Regional Parks ("Regional Parks") anticipates requesting Transfer or Funding Agreement

extensions including but not limited to Mark West Creek Regional Park and Open Space Preserve, North Sonoma Mountain, and for Kashia Coastal Reserve and Stewarts Point Ranch as a result of COVID-related delays.

Matching Grant Program

Ag + Open Space's Expenditure Plan authorizes Ag + Open Space to fund urban open space, restoration, and recreation projects through a competitive Matching Grant Program ("Program"). The Program is available to Cities, the County, other public agencies, and non-profit organizations. Ag + Open Space enters into a matching grant agreement that defines the project to be implemented, identifies the funding approved for the project, and provides a deadline for project implementation, which may include a date for opening a property to the public. These projects may include a recreation covenant, which also identifies the date by which the property will be open to the public.

The Program's existing guidelines allow for one extension of up to two years to implement projects and/or open the property to the public. Ag + Open Space's General Manager requests authority to extend expenditure of approved Program funds and completion of the approved project, including opening the property to the public, by up to an additional three years, in response to reallocation of resources due to the COVID-19 pandemic. When requested, the General Manager will determine an appropriate additional extension period of up to three years, and execute an amendment to the agreement to reflect that extension. For projects accepted into the Program that do not yet have executed grant agreements, Ag + Open Space's General Manager may allow up to three extra years for completion of the project relative to the time allowed under the guidelines applicable to the project. Regional Parks' Director requests authority to sign Matching Grant Agreements or extension amendments to existing agreements.

Prior Board Actions:

- December 6, 2011: Ag + Open Space Board of Directors approves the most recent revisions to Ag + Open Space's Matching Grant Program's Guidelines.
- October 14, 2014: 2014 Matching grant Program Funding Recommendations for Projects (Board Action #22)
- February 2, 2016: Ag + Open Space Board of Directors approves Ag + Open Space's IPAOM Policy (Reso 16-0040).
- October 25, 2016: 2016 Matching grant Program Funding Recommendations (Board action #19)
- June 20, 2017: California Coastal Train Segments and Kashia Costal Reserve Recreation Covenant (Reso 17-0255)
- December 12, 2017: Board of Directors approves Initial Public Access Funding and Matching Grant Agreement Extensions [North Bay Fires] (Reso 17-0480).
- October 9, 2018: Mark West Creek Regional Park and Open Space Preserve Transfer and Acquisition (Reso 18-0408)
- November 13, 2018: 2018 Matching Grant Program Funding Recommendations (Board Action #49)
- June 9, 2020: Carrington Coast Ranch Transfer and Funding (Reso 20-0202)
- August 18, 2020: Torr-West Acquisition in Dutch Bill Creek Watershed (Reso 20-0309)
- February 9, 2021: Estero Americano Coast Preserve, Initial Public Access Operation and Maintenance Funding Agreement (Summary No. 1)
- March 23, 2021: 2020 Matching Grant Program Funding Recommendations (Summary No. 1)
- May 11, 2021: Wright Hill Ranch Regional Park and Open Space preserve Transfer and Funding (Reso 21-0182)

May 11, 2021: Calabazas Creek Open Space Preserve Transfer and Funding (Reso 21-0180)

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY 21-22 Projected	FY 22-23 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Adequate appropriations are existing in the FY 21-22 budget and will be incorporated into the projected year's budgets. The Ag + Open Space Board of Directors approved Initial Public Access and Ongoing Maintenance funding on 6/20/2017, 10/9/2018, 6/9/2020, 8/18/2020, 2/9/2021, and 5/11/2021 and Matching Grant Funding cycles on 3/23/2021, 11/13/2018, 10/25/2016, and 10/14/2014, funds have already been encumbered and no additional allocation or adjustment is needed. Future Matching Grant Program projects will be brought to Ag + Open Space Board of Directors for separate approval to encumber funds.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

1. Resolution - Sonoma County Agricultural Preservation and Open Space District
2. Resolution - Sonoma County Regional Parks

Related Items "On File" with the Clerk of the Board:

1. Sonoma County Agricultural Preservation and Open Space District Initial Public Access, Operation and Maintenance Policy

2. Sonoma County Agricultural Preservation and Open Space District Matching Grant Program Guidelines