



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: March 7, 2017

Subject: Agreement with Martinez Unified School District for Measure WW Implementation

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute an Amendment to the East Bay Regional Park District Measure WW Park Bond Master Contract to amend the repayment provisions and clarify the maintenance requirements. No change in the amount or term of the Agreement.

APPROVE and AUTHORIZE the Conservation and Development Director, as fiscal agent for a portion of the East Bay Regional Park District Measure WW Local Grant funds, to enter into a Joint Use Agreement with the Martinez Unified School District (MUSD) in an amount not to exceed \$550,000 for improvements at Las Juntas Playfields at 4105 Pacheco Blvd, Martinez.

FISCAL IMPACT:

No Impact on the General Fund. 100% of the costs will be paid by East Bay Regional Park District Measure WW Local Grant funds.

BACKGROUND:

In November 2008, Alameda and Contra Costa County voters approved the East Bay

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/07/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: Candace Andersen, District II
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 7, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Kristine Solseng, (925)
674-7809

cc:

Regional Park District's (EBRPD) Measure WW Regional Open Space, Wildlife, Shoreline and Parks Bond Extension. From that measure, a total of \$7.93 million is allocated for local park purposes to areas within the unincorporated area of the County. These funds were allocated to specific County Services Areas (CSA) (\$2.49 million), Community Service Districts (CSD) and local Recreation and Park Districts (\$2.39 million), and to unincorporated areas not in a CSA, CSD or local park district (\$3.05 million).

BACKGROUND: (CONT'D)

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On December 15, 2015 the Board of Supervisors adopted a resolution authorizing the Department of Conservation and Development to enter into a Master Contract with EBRPD for the \$3.05 million allocated to the unincorporated areas not in a CSA, CSD, or local park district. The Master Contract between the County and EBRPD was finalized on February 1, 2016, thus allowing the County to submit individual project applications to EBRPD for funding. The portion of Measure WW Funds allocated to unincorporated communities within a CSA are administered by Public Works and covered by a separate agreement.

Amendment to the Master Contract

The proposed Master Contract Amendment clarifies repayment provisions for acquisition projects versus development projects. The repayment provisions outline how much the Grantee must reimburse EBRPD if a property is no longer a publicly accessible park and recreational use. The original Master Contract's repayment provision was tailored to acquisition projects and tied the repayment of the grant to the value of the property. However, this approach resulted in excessive repayment burden on sites with a grant for park development that was substantially below the value of the property itself. The approach also did not consider the depreciation of development projects over time. The proposed Amendment addresses these issues by adding a repayment provisions for development projects, which require the Grantee to reimburse EBRPD the amount of grant less a credit based on the percentage of time the park was in use. For example, if a Grantee received \$100,000 for park improvements and the site was closed after 10 years (40% of the required 25 year park use), the reimbursement amount would be calculated as follows:

Original Amount: \$100,000

Credit for portion of 25 years provided: 40% = \$40,000

Amount Owed: \$100,000 - \$40,000 = \$60,000

The amendment also adds an Extraordinary Circumstance clause which excuses the Grantee from repayment provisions should the public be prevented from using the property for park and recreational used due to an Extraordinary Circumstance such as any act of God, national emergency, change in laws, or school closure of any reason. Finally, the amendment includes a clarification that the Grantee shall maintain and operate the property developed for a minimum of 25 years after the final payment of the Grant. A copy of the Master Contract and the proposed Amendment to the Contract are attached.

Joint Use Agreement with Martinez Unified School District (MUSD)

The Board Authorization for the EBRPD Master Contract included a proposed project matrix identifying individual projects to be submitted to EBRPD for funding. One of the projects identified in Supervisorial District V was the MUSD Las Juntas Play Fields improvements, with an estimated cost of \$550,000.

Las Juntas Play Fields consists of an approximately 3 acre portion of the MUSD property located adjacent to Las Juntas Elementary at 4105 Pacheco Blvd in Martinez, CA. The project will renovate the play fields at the elementary school, which also serves as a local community park. The proposed project includes the design and implementation of a new irrigation system, sod, and the realignment and repaving of the path/track around the play field.

Martinez Unified School District Board found the project to be Exempt from the California Environmental Quality Act (CEQA) on March 9, 2016 and filed a Notice of Exemption on January 25, 2017.

Measure WW Grant eligibility requirements state applicants must provide evidence to EBRPD that they have adequate tenure and/or site control of properties to be improved. A Joint Use Agreement (Agreement) is one mechanism allowed to meet the site control requirement. The attached Agreement outlines the responsibilities of the County and MUSD for implementation of Measure WW grants. The major components of the Agreement include the following:

- The project shall be open to the public, at minimum, after 3:30 on weekdays and all day on Saturday,
- The agreement has a term of 25 years per EBRPD requirements,
- MUSD is responsible for completing the improvements identified in the scope,
- MUSD is responsible for maintenance of the site, and
- The County is responsible for grant administration.

If EBRPD approves the project, MUSD has preliminary design complete and is ready to place the project out to bid for construction over the summer of 2017. It is anticipated the Las Juntas Play Field improvements will be completed by December of 2017.

CONSEQUENCE OF NEGATIVE ACTION:

Delay in approving the agreement may result in an inability to secure grant funding, and the project would not move forward.

CHILDREN'S IMPACT STATEMENT:

The proposed project will support the following community outcomes established in the Children's Report Card: 1) Children and youth are healthy and preparing for a productive adulthood; 2) Families are safe, stable and nurturing; 3) Communities are safe and provide a high quality of life for children and families.

ATTACHMENTS

Master Contract between EBRPD and DCD

Proposed Amendment to the Master Contract

Joint Use Agreement between Contra Costa County and Martinez Unified School District