

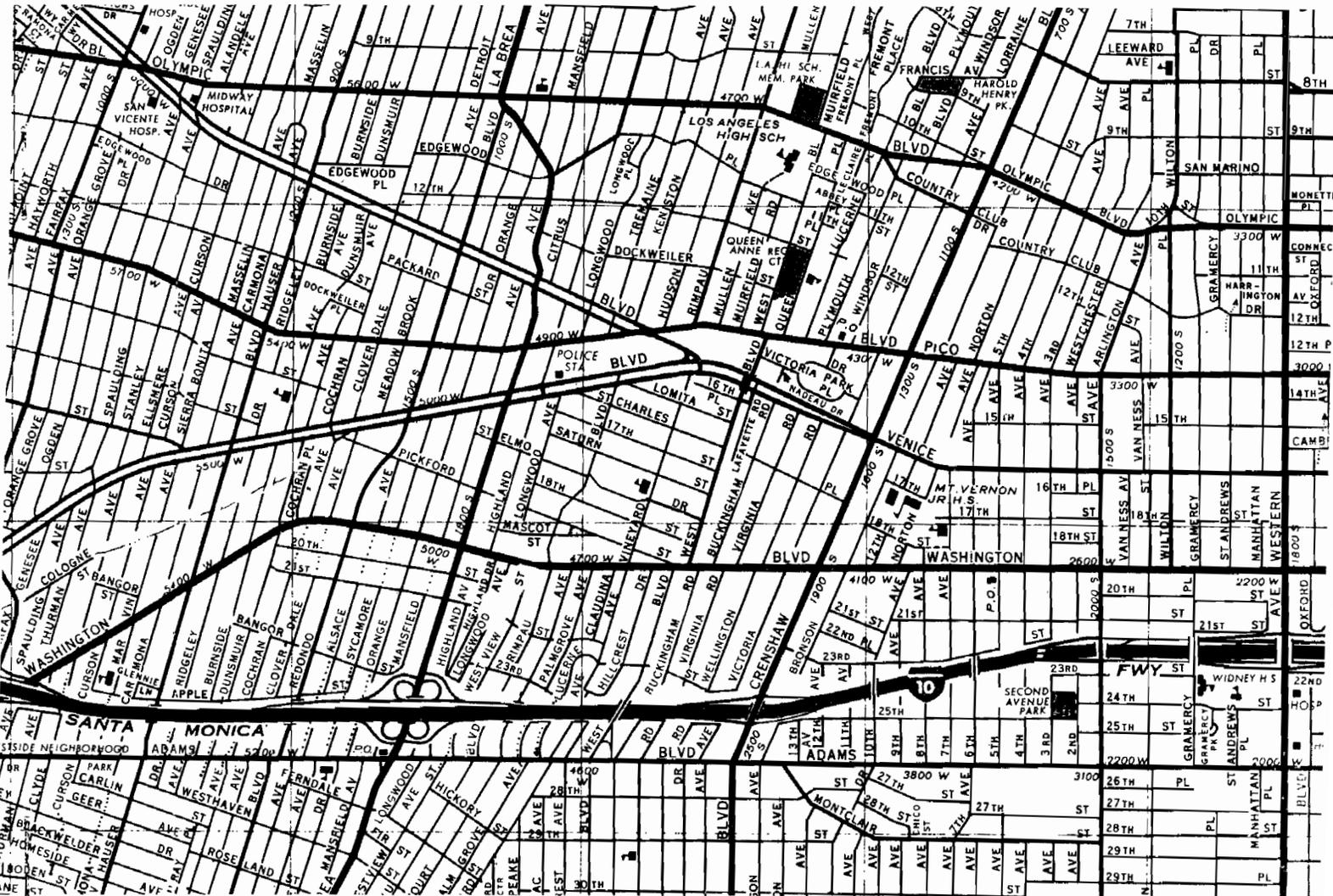
Procedural Guide and Program Criteria for the URBAN GRANTS PROGRAM

Under the
Roberti-Z'berg Urban Open-Space and Recreation Program Act

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February 1977



ONE OF THE FINANCIAL ASSISTANCE PROGRAMS ADMINISTERED THROUGH
THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION



STATE OF CALIFORNIA
THE RESOURCES AGENCY



State of California

DEPARTMENT OF PARKS AND

RECREATION

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**Procedural Guide
And
Program Criteria
For The**

**ROBERTI-Z'BERG URBAN OPEN-SPACE
AND
RECREATION PROGRAM**

February 1977

Reprinted April 1977
Reprinted August 1977

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INTRODUCTION

This booklet has been prepared to assist local units of government in applying for state funds available under the Roberti-Z'berg Urban Open-Space and Recreation Program. It contains information on the program, application and billing procedures, and the criteria that determine an acceptable project.

The Urban Open-Space and Recreation Program is an annual \$25 million grant program that provides grants to cities, counties, and park and recreation districts for the acquisition and development of park and recreation areas within the more heavily populated areas of the state.

The intent of the program is to meet the most urgent and unmet recreation needs in California with emphasis on meeting the recreation needs of residents in urbanized areas.

By January 1, 1978, the Department must submit a report to the legislature indicating the success of this program in meeting the legislative intent of the act.

Important Points Concerning Program Procedures

1. This is a matching grant program. The state will provide 75 percent and the applicant must provide 25 percent of the allowable project costs.
2. Matching funds must be from a non-state source.
3. State approval will be required prior to taking title to project lands or beginning construction.
4. Upon application approval and the submission of the initial billing statement, 90 percent of the state's share will be advanced to the applicant when the project is about to begin.
5. An annual status report must be submitted by the applicant indicating project progress.
6. Grant funds must be expended within three years from date of receipt.
7. An audit will be performed before final payment.
8. Continuance of this program will depend on its success in meeting urban recreation needs.

Definitions

The Act – means the Roberti-Z'berg Urban Open-Space and Recreation Program Act.

Applicant – means any city, county, park and recreation district or public utility district with the authority to acquire, develop, operate and maintain public recreation areas that submits an application. The public utility district must be in a non-urbanized area and must employ a full-time park and recreation director, and must offer year-round park and recreation services on lands and facilities owned by the district.

Urbanized Area - means a central city or cities and surrounding closely settled territory as defined by the United States Department of Commerce, Bureau of the Census, 1970.

Urbanized County - means any county, except the County of San Francisco, with a population of 200,000 or more as determined by the United States Department of Commerce, Bureau of the Census, 1970.

Heavily Urbanized Area – means a large city with a population of 300,000 or more or a large county or regional park district with a population of 1 million or more, based on the 1970 census.

Non-Urbanized Area – means any city, county or district which does not qualify as an urbanized area or urbanized county under the definitions set forth in the law and as determined by the United States Department of Commerce, Bureau of the Census, 1970.

Block Grant – means the allocation of moneys on a per capita basis to an applicant within an urbanized area for one or more projects for the acquisition and development of recreation lands and facilities.

Need Basis Grant – means the allocation of moneys for the acquisition or development of recreation lands and facilities in urbanized and non-urbanized areas on a project-by-project basis, as determined by need.



GENERAL INFORMATION

Authority

The Urban Open-Space and Recreation Program provides funds to local agencies of the State of California to acquire or develop recreation lands and facilities for recreation and open-space purposes which will help meet urban recreation needs. Item 271 of the Budget Act of 1976 provides \$25 million as the initial, annual appropriation for funding the program.

Administrative Agency

This program shall be administered by the State Department of Parks and Recreation. All inquiries, correspondence, and grant applications should be submitted to:

State Department of Parks and Recreation
Grants and Local Assistance Office
P.O. Box 2390
Sacramento, CA 95811
Telephone: (916) 445-1370

Eligible Units of Government

Any city, county, or special district that qualifies under the Act, was in existence prior to passage of the Act, has the authority to acquire, develop, operate and maintain public park and recreation areas, and that meets all requirements of the Urban Open-Space and Recreation Program is eligible.

Official City, County, and Special District Allocation

The official allocation of the Block grant funds to each city, county, and eligible special district is based on population using 1970 census data. The individual allocations are available from the Department.

The Need Basis grants are allocated on a statewide competitive basis.

Allocation of Funds

The administration of the program and the preparation of a Needs Study will be financed by \$1 million. The remaining \$24 million will be distributed as follows:

69% for Block Grants to urbanized ¹ areas		\$16,560,000
(a) 60% for cities and recreation and park districts in urbanized areas	\$9,936,000	
(b) 40% for urbanized counties and regional park districts	6,624,000	
14% for Block Grants to heavily urbanized ² areas		\$ 3,360,000
(a) 60% large cities	\$2,016,000	
(b) 40% large counties and regional park districts	1,344,000	
17% for Need Basis Grants (project-by-project competitive)		\$ 4,080,000
(a) 88% for non-urbanized portions of the state	\$3,590,400	
(b) 12% for urbanized portions, excluding heavily urbanized jurisdictions	489,600	
Total		\$24,000,000

¹Urbanized area -- those areas defined in the 1970 census.
Urbanized county -- 1970 population of 200,000 or more (except County of San Francisco).

²Heavily urbanized county or regional park district -- 1970 population of 1,000,000 or more.
Heavily urbanized city -- 1970 population of 300,000 or more.

PROGRAM CRITERIA

The primary intent of this program is to provide, within urbanized areas, recreation opportunities to meet the needs of the urban residents. The secondary intent, representing approximately 15 percent of the available funding, is to provide funding support to those recreation agencies in non-urbanized areas who have recreation deficiencies in their most heavily populated areas.

Project Requirements

Mandatory requirements for both Block Grants and Need Basis Grants are as follows:

1. Grant funds must supplement and not supplant local funds. (See Appendix H.)
2. Projects must conform to the recreation element of the applicable city or county general plan.
3. Projects must be within or immediately adjacent to the most heavily populated areas of each jurisdiction.
4. Projects must be directed towards providing for the most urgent and unmet needs of the residents served by the jurisdiction. The following factors, based on existing or readily obtainable data, must be considered by the applicant in selecting projects that meet urgent and unmet needs: population density, number of persons per household, income rate, juvenile delinquency rate, unemployment rate, relationship of youth and senior citizens to total population served, and deficiency in recreation facilities and programs.

Eligible Projects

The following types of projects will be eligible for funding under this program. In the local project selection process, effort should be made to reassess urban recreation problems and innovative proposals should be considered to solve these problems. Every attempt should be made to achieve the greatest ratio of recreation benefits over project costs.

New Development

Development of a park that meets an identifiable recreation need or that provides recreation opportunities not presently available will be considered eligible. Facilities may include athletic fields, courts, open playfields, tot-lots, indoor facilities, picnic tables and a variety of other facilities that provide opportunities for active and passive recreation use.

New Acquisition

Every attempt should be made to develop existing public lands, including school sites and rights-of-way and, when feasible, to acquire less-than-fee ownership prior to acquiring new lands. Acquisition of readily accessible open-space areas within highly populated and intensively developed urban areas will be considered eligible. Acquisition may include rights-of-way, undeveloped parcels, urban riparian areas, etc., that have potential for recreation use. Consideration should be given to those open space areas with ready access to large numbers of the immediate population. Acquisition of lands and structures to be converted to recreation use would also be eligible.

Rehabilitation

Rehabilitation of recreation facilities or areas that are no longer or only partially serviceable and that, when rehabilitated, will provide additional and expanded recreation opportunities will be considered eligible. Rehabilitation may include improvement of facilities that are inoperative, unsafe, or allow only limited use, as well as improvements to provide expanded use by the handicapped, senior citizens or other special groups.

Additions to Existing Units

Addition of lands or facilities to expand recreation opportunities at an existing park would be considered eligible. Additions may include such items as the lighting of fields or tennis courts to extend periods of use, the construction of a swimming pool in a developed park to provide an additional recreation opportunity, or the acquisition of lands to accommodate a new recreation activity.

Joint Projects

Joint projects between two or more agencies are encouraged. An eligible agency may combine its efforts and funds with a city, county or special district to provide urban recreation opportunities (e.g., bike trails, park-school sites). Facilities developed on school district lands must be available for public recreation use after school, weekends and vacations. School use during these periods must not pre-empt public recreational use.

Ineligible Projects

Historic Preservation

Projects that are essentially for the acquisition, preservation, reconstruction or restoration of historic sites or structures will be considered ineligible unless they are in conjunction with a larger recreation area and provide an additional and meaningful recreation experience, or unless the primary use is for a recreation activity other than historic interpretation.

School Facilities

Projects located on school properties expressly for educational purposes are ineligible.

Projects Provided by the Private Sector

Projects that are traditionally provided by the private sector or by concessionaires will be considered ineligible unless it can be shown that private entrepreneurs are unavailable to make such provision and that the project is based on measurable need.

Planning

Master planning for park acquisition and construction will be considered ineligible. Financing of specific project planning associated with development projects or incidental costs associated with acquisition projects being funded under this program will be allowed up to a reasonable level (normally 15 percent of the grant amount).

Other Ineligible Projects

Highway beautification
Recreation programs
Recreation staff
Normal maintenance and repair
Maintenance equipment (trucks, mowers, shovels, etc.)
Parking for other than recreation purposes
Non-fixed equipment and supplies (sports equipment, etc.)

Project Criteria

Block and Need Basis Grants

The following criteria will be used to determine eligibility of Block Grant projects and to evaluate Need Basis Grants projects:

1. Projects involving the acquisition and development of park and recreation facilities within urbanized areas are emphasized in this program. Project proposals immediately adjacent to urbanized areas, which are in accordance with other project criteria, may be considered eligible for funding. Project proposals serving urban recreation needs from outlying locations are considered inappropriate for this funding program.
2. Projects serving the highest population densities within each jurisdiction.
3. Projects providing for the best public access. This will be judged by the adequacy of public transportation services and the absence of physical barriers (freeways, railroad tracks, flood control channels, etc.) that might restrict immediate access.
4. Development projects serving residential areas with the least number of nearby existing developed facilities of the same nature.
5. Acquisition projects serving residential areas with the least amount of nearby existing recreation acreage.
6. Projects meeting the recreational needs of low-income families through acquisition and/or development projects.
7. Development projects emphasizing basic facilities rather than elaborate facilities.

Basic facilities are defined as the minimum improvements necessary to enable the public to safely use and enjoy an outdoor recreation area with a minimum amount of maintenance. Elaborate facilities are defined as overly ornate, over-designed, superfluous, or otherwise excessive ones.

Need Basis

The criteria listed below will be used in further evaluating Need Basis Grant projects:

1. Grant requests from an applicant whose project will provide park and recreation opportunities will be given higher priority than will requests for minor beautification, non-functional open space, fire or flood control, or other purposes not directly related to traditional recreation systems.
2. Grant requests from public entities that have designated a major organizational unit with a full-time primary responsibility for the development of parks and recreation areas

and/or facilities will be given higher priority than requests from governmental units that have a primary function other than parks and recreation.

3. Development grant requests for proposed facilities that provide opportunities for multiple recreation activities (two or more separate and distinct activities) will be given a higher priority than grant requests for projects that provide activities for a single purpose or specialized uses that serve only a limited segment of the public.
4. Acquisition grant requests for open-space lands in intensively developed areas will be given higher priority than grant requests for open-space lands in areas with large or numerous undeveloped parcels.
5. Grant requests involving innovative approaches to providing park and recreation services will be given additional consideration.
6. Projects showing a high degree of citizen involvement and support will be given additional consideration.

Funds available under the category of Need Basis grants will be divided, as specified in the act. Eighty-eight percent of such moneys will be available to cities, counties, and districts in non-urbanized areas on a project-by-project basis and on the basis of need. Twelve percent of the funds will be available to urbanized cities and districts, excluding those jurisdictions designated as heavily urbanized, on a project-by-project basis and on the basis of need.

In submitting applications for Need Basis Grants the following stipulations should be considered:

A. Need Basis Grants to cities, counties, and districts in non-urbanized areas.

1. Only projects in excess of \$10,000 of state grant funds (75 percent of total project costs) will be considered.
2. No jurisdiction will receive in excess of 10 percent (\$350,000) of the total grant funds available under this portion of the program for either an individual project or combination of projects submitted.
3. Consideration will be given to the impact of participants from outside the boundaries of jurisdictions submitting applications under this portion of the program.

B. Need Basis Grants to cities and districts in urbanized areas.

1. Only projects in excess of \$10,000 of state grant funds (75 percent of total project costs) will be considered.
2. No jurisdiction will receive in excess of \$100,000 of state grant funds available under this portion of the program for an individual project or combination of projects submitted.
3. Projects submitted under this Need Basis grant must be located within urbanized areas as delineated by the U.S. Department of Commerce, Bureau of the Census, 1970.
4. Consideration will be given to projects from those jurisdictions with a low total assessed valuation and low assessed valuation per capita.

Project applications for Need Basis grants will be divided into two groups: large projects of 50 acres or more, and small projects of less than 50 acres. These two groups will be evaluated separately and funds will be allocated to each on the basis of the total number and dollar amount of applications received.



APPLICATION PROCEDURES

General

Applicants must submit four (4) ink-signed copies of the Urban Open-Space and Recreation Program application form.

All grant applications must include a resolution authorizing the application, which must be adopted by the governing body of the jurisdiction applying for the grant. A sample resolution is included as Appendix B of this Procedural Guide.

Grant applications contain a certification block which must be signed by the designated legal counsel for the applicant indicating the applicant will meet all applicable federal, state and local codes, laws, and regulations. Applicable state regulations may be found in Appendix G. Applicants will be required to furnish the state a copy of the comments from the State Clearinghouse or evidence that required clearinghouse procedures have been followed and that no specific comments were made. (Public Administration Code 15061 (c).)

Included with the application must be a map indicating the project location.

The agreement on page 4 of the application should be signed by the individual authorized by the governing body to enter into contractual agreements for the jurisdiction.

When the agency is to begin work on the project, the initial billing statement may be forwarded to the Department at which time up to 90 percent of the grant fund will be advanced. Advances will be made only on condition that the moneys advanced are placed in a separate account.

Block Grant

Eligible jurisdictions will complete the Block grant application form and submit it to the Department of Parks and Recreation. The application form will contain space for up to four projects. A city or county street map, indicating the location of each project, should be attached to the application.

Upon receipt of an application, project officers will review the application and will discuss projects with the designated official of the applying agency. In those cases where a project in the application does not appear to be eligible, based on the criteria found on pages 5-7 of this guide, the applying agency will be asked to submit additional information demonstrating the eligibility of the project. In cases where additional justification still proves to be unsatisfactory, the applicant will be asked to substitute another project. These actions will be necessary prior to state approval of the application.

Upon review and approval of the project(s) submitted in the application, the agreement will be signed and returned to the applying agency along with a copy of the initial billing statement.

Need Basis Grant

Eligible jurisdictions will complete the Need Basis grant application form and submit it to the Department of Parks and Recreation. It will be necessary to completely support the project in terms of meeting the intent of the program. The applicant must describe in detail how the project being considered will meet the program criteria. Each application will contain only one project.

Department project officers will inspect each project in the field and will discuss projects with the designated official of the applying agency. The Department will evaluate all projects and will make project selections based on the information available and using the criteria found on pages 5-8 of this guide.

Application Deadlines

Applications for Block grants may be submitted any time during the fiscal year the funds are appropriated.

Applications for Need Basis grants must be received by April 15, 1977 for funds appropriated during the 1976/77 fiscal year. Applications for succeeding fiscal years must be received by October 1 of the fiscal year the funds are appropriated.

Normal Grant Process

1. Applicant completes and submits applications to California Department of Parks and Recreation (DPR).
2. DPR reviews applications and performs on-site inspections of Block grant and Need Basis grant proposals. DPR may request additional justification for proposed projects.
3. Applications are approved and signed by DPR Director.
4. Approved agreements and initial billing statements are sent to applicant.
5. Applicant may submit billing statement for an advance of up to 90% of grant amount.
6. Applicant commences work on project and submits annual status reports.
7. Applicant notifies DPR of project completion (submits Notice of Completion) and requests payment of final 10% (submits Final Billing Statement).
8. DPR performs audit of completed project.
9. Based on audit approval and satisfactory on-site inspection, DPR reimburses applicant for final 10% of grant amount.

PROJECT ADMINISTRATION

Grant Payment

Upon receipt of the initial billing statement for an approved project, and when the agency is ready to begin work on the project, the Department will advance 90 percent of the grant amount. The remaining 10 percent will be reimbursed to the applicant after completion of the project, receipt of the final billing statement, and completion of a satisfactory state audit. The applicant will have three years in which to expend state funds and complete the project.

Changes to an Approved Project

In the event an approved project cannot be completed, all grant funds advanced plus any interest accrued must be returned to the state. Substitution of projects will be acceptable under the Block grant program, but will be unacceptable under the Need Basis grant program. Substitutions and amendments under the Block grant program must include adequate justification, and an amendment must be completed and approved for each substitution.

Minor modifications to Need Basis grant projects will be acceptable only with adequate justification, and an amendment form must be completed and approved.

State approval will be required prior to commencement on a substituted project or on an amendment to an approved project.

Status Report

The legislation requires that all grant recipients submit an annual status report on the progress of their grant project(s). Reports must be submitted by September 15 of each year indicating the extent of expenditures on, and degree of completion of, the grant project(s). An additional status report will be required with project completion.

Matching Funds

The minimum local match is 25% of the allowable project costs for each project. Thus a \$100,000 project being funded by a \$75,000 grant would require a \$25,000 match.

Grants for acquisition shall be matched by money or property donated specifically for the acquisition project or by services performed in the pre-acquisition process.

Grants for development may be matched by money, in-kind contributions (goods and services), force account, or donations. The value of real property may be used in matching a development grant if the development will occur on the property, if the applicant does not take title to the property until the grant application is approved by the state, and only for the amount actually paid if the property is acquired from another public agency.

Allowable Costs

Only project related costs incurred *during* the project performance period as specified in the grant agreement will be allowable. All such costs must be supported by appropriate invoices, purchase orders, cancelled warrants, and other records. Preliminary project costs must be segregated and fully supported and documented as being attributed to the project.

Generally, project costs are considered incurred at the time the purchases are delivered or at the time services are performed. Allowable costs include, but are not limited to, the following:

1. Preliminary Costs. Preliminary project costs (e.g., site planning, appraisals, acquisition negotiations, etc.) incurred after the date of the state budget appropriation (July 1) authorizing grant funds and prior to actual project approval may be reimbursed for approved projects. Such preliminary project costs, however, are incurred with the understanding that only eligible costs will be reimbursed for subsequently approved projects.

2. **Personal or Employee Services.** Services of the applicant's employees directly engaged in project execution are allowable costs. These costs must be computed according to the applicant's prevailing wage or salary scales and may include fringe benefit costs such as vacations, sick leave, social security contributions, etc., that are customarily charged to the applicant's various projects. Costs charged to the project must be computed on actual time spent on a project and must be supported by time and attendance records which describe the work performed on the project. Overtime costs may be allowable under the applicant's established policy provided the regular work time was devoted to the same project.

Salaries and wages claimed for employees working on state grant projects shall not be higher than the applicant's established rates for similar positions.

3. **Consultant Services.** The costs of consultant's services necessary for the project are allowable. Consultants must be paid by the customary or established method and rate of the applicant. The consultants may also be reimbursed for travel and other project-related expenses if such costs are normally paid by the applicant under the agreement with the consultant.

No consultant fee may be paid to the applicant's own employees without prior approval or unless specifically agreed to by the state.

4. **Equipment.** The cost of equipment, required and becoming a part of the development project, may be allowable. Maintenance and minor repair costs necessary for the upkeep of such equipment during project development may, also, be claimed.

Construction equipment owned by the applicant may be charged to the project on a use basis. Equipment use charges must be made in accordance with the applicant's normal accounting practices. The equipment rental rates published by the State Department of Transportation may be used as a guide.

If the applicant's equipment is used, a report or source documents must describe the work performed, must indicate the hours used, must relate back to the project, and must be signed by the operator and supervisor.

Equipment may be leased, rented or purchased, whichever is most economical. If equipment is purchased, its residual market value must be credited to the project costs upon completion.

5. **Supplies and Material.** Supplies and/or materials may be purchased for a specific project or may be drawn from a central stock providing they are claimed at a cost no higher than that paid by the applicant. When supplies and/or materials are purchased with the intention of constructing a piece of equipment, a structure, or a part of a structure, the cost may be charged as supplies and materials or capitalized, according to the applicant's normal practice or policy. If capitalized, only that cost reasonably attributable to the projects may be claimed under the project.
6. **Signs and Interpretive Aids.** Cost of signs, display boards, or other minor interpretive aids relating to the project are allowable.
7. **Construction.** The costs of all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a structure, is allowable.
8. **Acquisition.** Costs incurred in the acquisition of real property may include: the approved purchase price of the property, appraisals, surveys, preliminary title reports, escrow fees, title insurance fees, and court costs on condemnation. However, the costs for the services of an attorney in a condemnation action are *not* allowed.
9. **Relocation Costs.** Relocation costs are allowable for those projects which result in the displacement of any person and/or business. Relocation costs must be listed as a separate item

if reimbursement is to be claimed as a part of the state grant application. (Applicant must comply with the requirements of the Relocation Act even though relocation costs are not claimed for reimbursement.)

10. Other Expenditures. In addition to the major categories of expenditures, reimbursements may be made for miscellaneous costs considered necessary for the execution of the grant project. Some of these costs are:
 - a. Communication: such as telephone, telegrams, letters, etc.
 - b. Premiums on hazard and liability insurance policy to cover personnel and/or property.
 - c. Work performed by another section or department of the applicant's agency.
 - d. Transportation costs for moving equipment and/or personnel.
11. Indirect Costs. Costs that are attributable to direct labor and/or other costs may be allowed to the extent that they are customarily charged to other projects of the applicant and are fairly allocated in accordance with generally accepted accounting principles.

Unallowable Costs

The following shall not be considered allowable costs:

1. Ceremonial expenses
2. Expenses for publicity
3. Bonus payments of any kind
4. Charges for contingency reserves or other similar reserves
5. Charges in excess of the lowest bid, when competitive bidding is required by the state or the applicant, unless the state agrees in advance to the higher cost
6. Charges for deficits or overdrafts
7. Taxes for which the applicant would not have been liable
8. Interest expense
9. Charges incurred contrary to the policies and practices of the applicant involved
10. Damage judgments arising out of acquisition, construction, or equipping of a facility, whether determined by judicial process, arbitration, negotiation, or otherwise
11. Services, materials, or equipment obtained under any other state program
12. Cost of discounts not taken
13. Travel claimed when no work time was claimed for the same period
14. Contract cost overruns, not approved, that exceed the allowable amount per the contract specifications

Accounting Requirements

The applicant must maintain an accounting system that accurately reflects fiscal transactions with the necessary controls and safeguards. This system should provide good audit trails, especially into the source of original documents such as receipts, bills, invoices, time cards, etc. This system must also provide, or have the potential of providing, accounting data so that the total project cost of each project can readily be determined.

State Audit

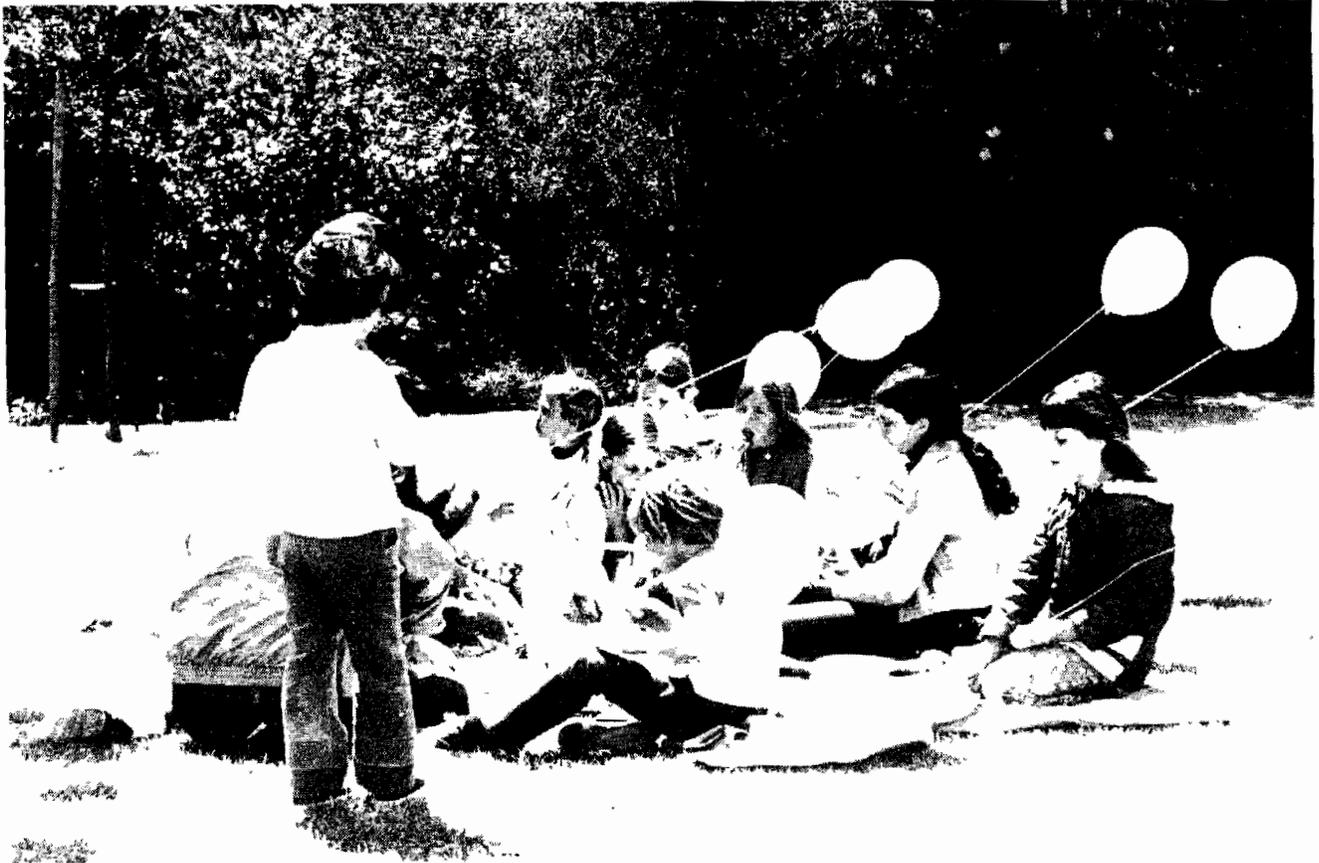
At the completion of the project and receipt of the final billing statement, the state will audit the project. The audit will include all books, papers, accounts, documents or other records of the applicant as they relate to the acquisition or development project for which the state funds were granted. Projects may be audited at any time. In certain instances the state may conduct random audits to verify the certification process.

The purpose of the audit is to ascertain compliance with requirements of the Urban Open-Space and Recreation Program and terms of the agreement, and to verify that project expenditures were properly incurred and qualify under the program.

Reimbursement of the final 10 percent of the grant will be made after audit. Audit should be requested by the applicant with the final billing statement only after all the project transactions have been completed and the necessary payments have been made. Final payment will not be made on an individual project-by-project basis within a Block grant application.

To expedite the audit, the applicant must have the project records, including the source documents and cancelled warrants, readily available. The applicant should also provide an employee with knowledge of the project and the accounting procedure or system to assist the state auditor. The applicant shall provide a copy of any document, paper, record, or the like, requested by the state auditor.

All project records will be retained by the applicant for a period not less than three years after final payment by the state or three years after final disposition of the audit findings. Microfilm copies of the original records will generally be acceptable.



APPENDIXES

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APPENDIX A

Agreement's General Provisions

The agreement on page 4 of the application must be signed when the application is submitted to the State. Upon approval of the application, the State will sign the agreement and return an executed copy to the applicant.

The following general provisions will be a part of the agreement.

A. Definitions

1. The term "State" as used herein means the California State Department of Parks and Recreation.
2. The term "Act" as used herein means the Roberti-Z'berg Urban Open-Space and Recreation Program Act.
3. The term "Project" as used herein means the individual and collective projects described on pages 2 and 3 of the application.
4. The term "Applicant" as used herein means the party described as applicant on page 1 of this agreement.

B. Project Execution

1. Subject to the availability of grant moneys in the Act, the State hereby grants to the Applicant a sum of money (grant moneys) not to exceed the amount stated in the agreement in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the Description of Project on pages 2 and 3 of the Application and under the terms and conditions set forth in this agreement.

The Applicant agrees to furnish twenty-five (25) percent of the total cost of the Project and any additional funds that may be necessary to complete the Project. Any modification or alteration in the Project as set forth in the application on file with the State must be submitted to the State for approval.

2. The Applicant shall secure completion of the development work in accordance with the Description of Project on pages 2 and 3 of the Application and under the terms and conditions of this agreement. All significant deviations from the Project shall be submitted to the State for approval.
3. The Applicant shall permit periodic site visits by the State to determine if development work is in accordance with the Description of Project on pages 2 and 3 of the application and under the terms and conditions of this agreement including a final inspection upon Project completion.
4. If the Project includes acquisition of real property, the purchase price shall be the fair market value of such property as established by the Applicant's appraisal of such property or the amount established as compensation by a nonstipulated final judgment in an eminent domain proceeding. The appraisal report (prepared in accordance with Government Code Section 7267 to 7267.7 inclusive) used to establish the fair market value or compensation may be requested by the State.

The Applicant agrees to furnish the State preliminary title reports respecting such real property upon request or such other evidence of title which is determined to be sufficient by the State. Applicant agrees in negotiated purchases to correct prior to or at the close

of escrow any defects of title which in the opinion of the State might interfere with the operation of the Project. In condemnation actions such title defects must be eliminated by the final judgment.

5. The Applicant, in acquiring real property, the cost of which is to be reimbursed with grant moneys under this agreement, shall comply with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code and any applicable federal, state, or local laws or ordinances. Documentation of such compliance will be made available for review by the State upon request.

C. Project Performance Period

1. The Applicant agrees to complete the Project under the terms and conditions of this agreement.
2. The Applicant may not take title to land or begin development until Project Performance Period begins.
3. The Project Performance Period shall begin when the agreement is signed and continue until the project is completed or the grant funds are expended.
4. The Applicant further agrees to expend grant moneys within three (3) years from the date of receipt. (Public Resources Code 5626(b).)

D. Project Costs

The grant moneys to be provided the Applicant under this agreement shall be disbursed as follows:

1. Upon the State's approval of the application and submission of a Billing Statement by the Applicant, the State may advance up to ninety (90) percent of the total grant amount of the Block grant or Need Basis grant.
2. Upon notification of completion of:
 - a. Block grant projects as described in the agreement or the Block grant projects as modified and agreed to by the State.
 - b. The Need Basis grant project as described in the agreement.

The State may perform a project completion inspection and will perform a final audit. Upon audit approval, the State will reimburse the Applicant for the remaining ten (10) percent of the total Block grant or Need Basis grant to the extent of seventy-five (75) percent of the allowable costs. (Public Resources Code 5625.)

E. Project Administration

1. The Applicant shall promptly submit annual reports to the State. The Applicant shall also provide the State a report showing total final project expenditures. (Public Resources Code 5625.)
2. Property and facilities acquired or developed pursuant to this agreement shall be available for inspection by the State upon request.
3. The Applicant shall use any moneys advanced by the State under the terms of this agreement solely for the Project herein described. (Public Resources Code 5626 (a).)

4. If grant moneys are advanced, the Applicant shall place such moneys in a separate interest-bearing account, setting up and identifying such account prior to the advance. Interest earned on grant moneys shall be used on the project or paid to the State. If grant moneys are advanced and not expended, the unused portion of the grant shall be returned to the State within sixty (60) days of completion of the project or end of the Project Performance Period, whichever is earlier.
5. Gross income that is earned by the Applicant from a state-approved, non-recreation use on an acquisition project, subsequent to the Applicant's taking title, must be used by the Applicant for recreation purposes at the Project.

F. Project Termination

1. The Applicant may unilaterally rescind this agreement at any time prior to the expenditure of grant funds. After expenditure of grant funds, this agreement may be rescinded, modified or amended only by mutual agreement in writing.
2. Failure by the Applicant to comply with the terms of this agreement or any other agreement under the Act may be cause for suspension of all obligations of the State hereunder.
3. Failure of the Applicant to comply with the terms of this agreement shall not be cause for the suspension of all obligations of the State hereunder if, in the judgment of the State, such failure was due to no fault of the Applicant. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for reimbursement under this agreement.
4. Because the benefit to be derived by the State, from the full compliance by the Applicant with the terms of this agreement, is the preservation, protection and net increase in the quantity and quality of parks and public recreation facilities available to the people of the State of California, and because such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State by way of grant moneys under the terms of this agreement, the Applicant agrees that payment by the Applicant to the State of an amount equal to the amount of the grant moneys disbursed under this agreement by the State would be inadequate compensation to the State for any breach by the Applicant of this agreement. The Applicant further agrees therefore, that the appropriate remedy in the event of a breach by the Applicant shall be the substitution of a project agreed upon by both the Applicant and the State to be completed within a period of time as established by the State.

G. Hold Harmless

1. The Applicant hereby waives all claims and recourse against the State including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this agreement except claims arising from the concurrent or sole negligence of the State, its officers, agents, and employees.
2. The Applicant shall indemnify, hold harmless and defend the State, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the acquisition, development, construction, operation or maintenance of the property described as the Project, which claims, demands, or causes of action arise under Government Code Section 895.2 or otherwise, except for liability arising out of the concurrent or sole negligence of the State, its officers, agents, or employees.
3. In the event the State is named as codefendant under the provisions of Government Code Section 895 et seq., the Applicant shall notify the State of such fact and shall represent

the State in the legal action unless the State undertakes to represent itself as codefendant in such legal action; in which event the State shall bear its own litigation costs, expenses, and attorney's fees.

4. In the event of judgment entered against the State and Applicant because of the concurrent negligence of the State and Applicant, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.
5. The Applicant shall indemnify, hold harmless and defend the State, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the Applicant has certified. Applicant acknowledges that it is solely responsible for compliance with items to which it has certified.

H. Financial Records

1. The Applicant shall maintain satisfactory financial accounts, documents and records for the project and shall make them available to the State for auditing at reasonable times. Such accounts, documents and records shall be retained by the Applicant for three years following project termination or completion.

During regular office hours each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this agreement or matters related thereto. The Applicant shall maintain and make available for inspection by the State accurate records of all of its costs, disbursements and receipts with respect to its activities under this agreement.

2. The Applicant may use any generally accepted accounting system provided such system meets the minimum requirements as may be established by the State.

I. Use of Facilities

1. The property acquired or developed with grant moneys under this agreement shall be used by the Applicant only for the purpose for which the State grant moneys were requested and no other use of the area shall be permitted except by specific act of the legislature. (Public Resources Code 5626 (a).)
2. The Applicant shall without cost to the State operate and maintain the property acquired or developed pursuant to this agreement in the manner and according to the standards acceptable to the State.

J. Nondiscrimination

1. The Applicant shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, or physical handicap in the use of any property or facility acquired or developed pursuant to this agreement.
2. The Applicant shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

APPENDIX B

Sample Resolution

RESOLUTION NO. _____

RESOLUTION OF THE _____
City Council, Board of Supervisors or District Board

APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE
ROBERTI-Z'BERG URBAN OPEN-SPACE AND RECREATION PROGRAM

WHEREAS, the legislature of the State of California has enacted the Roberti-Z'berg Urban Open-Space and Recreation Program, which provides funds to certain political subdivisions of the State of California for acquiring lands and for developing facilities to meet urban recreation needs; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program, setting up necessary procedures governing application by local agencies under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications prior to submission of said applications to the state; and

WHEREAS, said applications contain a certification that the applicant will comply with all federal, state, and local environmental, public health, relocation, affirmative action, and clearinghouse requirements and all other appropriate codes, laws and regulations prior to the expenditure of the grant funds; and

WHEREAS, the project(s) applied for under this program must be of a high priority and satisfy the most urgent park and recreation needs with emphasis on unmet needs in the most heavily populated areas;

NOW, THEREFORE, BE IT RESOLVED that the _____ hereby;
City Council, Board of Supervisors, or District Board

1. Approves the filing of an application for funding under the Roberti-Z'berg Urban Open-Space and Recreation Program; and
2. Certifies that said agency understands the general provisions of the agreement; and
3. Certifies that said agency has or will have sufficient funds to operate and maintain the project(s) funded under this program; and
4. Certifies that said agency has or will have available prior to commencement of any work on the project(s) included in this application matching money from a nonstate source; and
5. Certifies that the project(s) included in this application conform to the recreation element of the applicable city or county general plan; and
6. Appoints the _____ as agent of the _____
(Title)
_____ to conduct all negotiations, execute and submit all

City, County or District
documents including but not limited to applications, agreements, amendments, payment requests, and so on which may be necessary for the completion of the aforementioned project(s); and

7. Appoints _____ as legal counsel for said agency
(Name or Title)
with authorization to sign the certification on page 1 of application.

APPROVED and ADOPTED the _____ day of _____ 19__.

I, the undersigned, hereby certify that the foregoing Resolution No. _____, was duly adopted by
the _____, by the following roll call vote:
City Council, Board of Supervisors, or District Board

Ayes:

Noes:

Absent:

Clerk

APPENDIX C

**State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
Urban Open Space and Recreation Program**

BLOCK GRANT APPLICATION

Applicant (Agency)

Name: _____

Address: _____

Person with day-to-day responsibility for the project:

Name: _____

Phone: (____) _____

State Senate District No. _____

State Assembly District No. _____

Attach a copy of the Resolution authorizing application for grant funds from the applicant's governing body (A sample resolution may be found in Appendix B of the Procedural Guide.)

Certification

I hereby certify that the applicant has met, or will meet, all federal, state or local environmental, public health, relocation, affirmative action, and clearinghouse requirements and all other appropriate codes, laws, and regulations prior to the expenditure of the grant funds. (Public Resources Code 5626 (c) (See Appendix G, State Regulations, of the Procedural Guide.)

I further certify that the applicant fully understands that the State Department of Parks and Recreation will not assume any responsibility to ensure compliance with any applicable federal, state or local codes, laws or regulations, but that the Department may conduct an audit to ensure compliance.

(Signed)

Legal Counsel for _____
Name of Applicant

PROJECT DESCRIPTION

1. Name of Project _____

Project Location (enclose city or county map indicating project location)

Project Description _____

Attach additional pages if necessary

Estimated Total Project Cost _____

Amount of Grant Request _____ Amount of Matching Funds _____

Source of Matching Funds _____

2. Name of Project _____

Project Location (enclose city or county map indicating project location)

Project Description _____

Attach additional pages if necessary

Estimated Total Project Cost _____

Amount of Grant Request _____ Amount of Matching Funds _____

Source of Matching Funds _____

PROJECT DESCRIPTION

3. Name of Project _____

Project Location (enclose city or county map indicating project location)

Project Description _____

Attach additional pages if necessary

Estimated Total Project Cost _____

Amount of Grant Request _____ Amount of Matching Funds _____

Source of Matching Funds _____

4. Name of Project _____

Project Location (enclose city or county map indicating project location)

Project Description _____

Attach additional pages if necessary

Estimated Total Project Cost _____

Amount of Grant Request _____ Amount of Matching Funds _____

Source of Matching Funds _____

BLOCK GRANT AGREEMENT
Urban Open-Space and Recreation Program

Applicant _____ Agreement Number _____
(Name of Applying Jurisdiction) (Leave Blank)

This agreement is hereby made and agreed upon by the State of California, acting through the Director of the Department of Parks and Recreation and the Applicant pursuant to the Roberti-Z'berg Urban Open-Space and Recreation Program Act, Chapter 32, Division 5 of the Public Resources Code.

Project Name (indicate adquisition or development)

Special Provisions

Total Estimated Project(s) Cost _____

Total State Grant (not to exceed the grant entitlement nor to exceed 75 percent of Project(s) cost)

The General Provisions listed in Appendix A of the Urban Open-Space and Recreation Program Procedural Guide are made a part of and incorporated into the Agreement.

Applicant (name of applying jurisdiction)

By _____
(signature of authorized representative)

Title _____

Date _____

By _____

Title _____

Date _____

Budget Act of _____
(Leave Blank)

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

Date _____

Budget Item Number _____
(Leave Blank)

APPENDIX D

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
Urban Open Space and Recreation Program

NEED BASIS GRANT APPLICATION

Applicant (Agency)

Name: _____

Address: _____

Person with day-to-day responsibility for the project:

Name: _____

Phone: () _____

State Senate District No. _____

State Assembly District No. _____

Attach a copy of the Resolution authorizing application for grant funds from the applicant's governing body. (A sample resolution may be found in Appendix B of the Procedural Guide.)

Certification

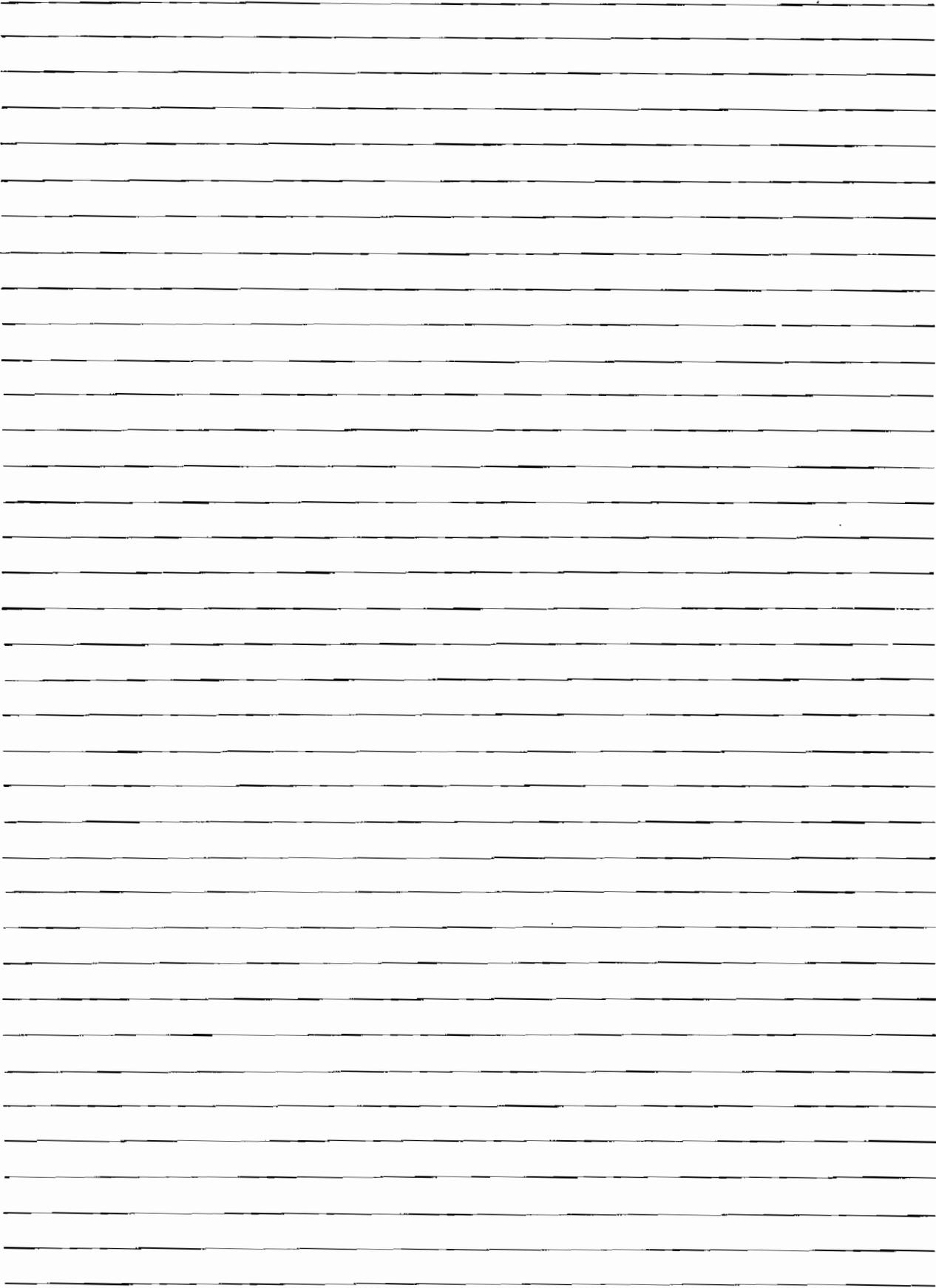
I hereby certify that the applicant has met, or will meet, all federal, state or local environmental, public health, relocation, affirmative action, and clearinghouse requirements and all other appropriate codes, laws, and regulations prior to the expenditure of the grant funds. (Public Resources Code 5626 (c) (See Appendix G, State Regulations, of the Procedural Guide.)

I further certify that the applicant fully understands that the State Department of Parks and Recreation will not assume any responsibility to ensure compliance with any applicable federal, state or local codes, laws or regulations, but that the Department may conduct an audit to ensure compliance.

(Signed)

Legal Counsel for _____
Name of Applicant

N-1



NEED BASIS GRANT AGREEMENT

Urban Open Space and Recreation Program

Applicant _____ Agreement Number _____
(Name of Applying Jurisdiction) (Leave Blank)

This agreement is hereby made and agreed upon by the State of California, acting through the Director of the Department of Parks and Recreation and the Applicant pursuant to the Roberti-Z'berg Urban Open-Space and Recreation Program Act, Chapter 32, Division 5 of the Public Resources Code.

Project Name (indicate acquisition or development)

Special Provisions

Total Estimated Project(s) Cost _____

Total State Grant (not to exceed the grant entitlement nor to exceed 75 percent of Project(s) cost)

The General Provisions listed in Appendix A of the Urban Open-Space and Recreation Program Procedural Guide are made a part of and incorporated into the Agreement.

Applicant (name of applying jurisdiction)

By _____
(signature of authorized representative)

Title _____

Date _____

By _____

Title _____

Date _____

Budget Act of _____
(Leave Blank)

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

Date _____

Budget Item Number _____
(Leave Blank)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

AMENDMENT TO GRANT AGREEMENT
Roberti-Z'Berg Urban Open-Space and Recreation Program

Grant Amendment No. _____
(Leave Blank)

THIS AMENDMENT to Grant Agreement No. _____ is hereby made and agreed upon by the State of California, acting through the Director of the Department of Parks and Recreation and by the _____ pursuant to the Roberti-Z'Berg Urban Open-Space and Recreation Program Act, Chapter 3.2, Division 5 of the Public Resources Code.

The State and the Applicant, in mutual consideration of the promises made herein and in the agreement in which this is an amendment, do promise as follows:

Original Grant Amount _____

In all other respects the agreement of which this is an amendment, and the terms and conditions if relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

DPR Contract No. _____
(Leave blank)

Budget Item No. _____
(Leave blank)

APPLICANT

STATE DEPARTMENT OF PARKS AND RECREATION

By _____

By _____

Applicant's Authorized Representative
as shown in Resolution

Date _____

Date _____

APPENDIX F

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

BILLING STATEMENT

Roberti-Z'Berg Urban Open-Space and Recreation Program

Applicant _____

Agreement number _____ Billing Statement Initial Third
 Second Final

Budget Act of _____ DPR contract number _____

Budget item number _____

Project Expenditures to Date or (Allowable Costs to Date)

- 1. Acquisition
 - a. Real Property \$ _____
 - b. Relocation \$ _____
 - c. Other \$ _____
 - d. Subtotal \$ _____
- 2. Development
 - a. Consultant Services \$ _____
 - b. Contracts \$ _____
 - c. Labor \$ _____
 - d. Material and supplies \$ _____
 - e. Equipment \$ _____
 - f. Other \$ _____
 - g. Subtotal \$ _____
- 3. Total project expenditures to date \$ _____

Payment Request

- 1. Total Project Cost \$ _____
- 2a. Total grant amount \$ _____
- 2b. Grant funds received to date \$ _____
- 2c. Grant funds available \$ _____
- 3. Request for Payment \$ _____

Make Warrant payable to:

(Name) _____ (Title)

Address: _____

Certification

I certify that the above information is correct and that all funds received have or will be expended in accordance with the approved agreement for state grant moneys.

Applicant's Authorized Representative
(Signed) _____

(Date)

Approved for Payment:

(Signed) _____
Chief, Office of Grants and Local Assistance
State Department of Parks and Recreation

(Date)

APPENDIX G

State Regulations

Public Resources Code Section 5626 (c) requires the legal counsel of the grant recipient to certify to the Department (California Department of Parks and Recreation) that the grant recipient has met, or will meet, all federal, state, and local environmental, public health, relocation, affirmative action and clearinghouse requirements and all other appropriate codes, laws, and regulations prior to the expenditure of the grant funds.

California State statutes and regulations which are applicable include:

ENVIRONMENTAL AND CLEARINGHOUSE

California Environmental Quality Act
Public Resources Code Sections
21000 ff; 14 Cal. Adm. Code 15000 ff.

PUBLIC HEALTH

Sanitation of Public Beaches;
Health and Safety of Bathers
Health and Safety Code Section
427-427.9; 24000-24159. 17 Cal.
Adm. Code 7950-7994; 7774-7833

Access to Public Buildings by Physically
Handicapped Persons.

Government Code Section 4450-4457
21 Cal. Adm. Code 81-86

Tuberculosis Examinations for Employees
in Contact with Children, and Concessionaires.
Public Resources Code Sections 5163-5163.4

RELOCATION

Government Code Section 7260 ff, 25 Cal. Adm.
Code 6002 ff

AFFIRMATIVE ACTION

Labor Code Section 1410 ff, 8 Cal. Adm.
Code 300-323

OTHER APPLICABLE STATUTES

Beach Access
Government Code Sections 54090-54092
Public Resources Code Section 5162

Fees
Government Code Section 50402

Preservation of Public Parks
Public Resources Code Section 5400-5409

APPENDIX H

Supplement vs Supplant

Section 5623 states that “Grants to cities, counties, and districts pursuant to this chapter are intended to supplement and not to supplant local expenditures for park and recreation areas and facilities or to diminish in any way the current efforts for providing parks and recreation services.” In its simplest interpretation, this means that grant funds must be used to supplement and not supplant local funds.

This stipulation will be interpreted by this Department to mean that a local agency may not:

1. Submit an application requesting SB 174 grant funds when these grant funds will be used in place of a like amount of funds actually and previously allotted either by direct or indirect (support) implication in the local budgetary process for said project and subsequently removed.
2. Use SB 174 grant funds in place of a regular and ongoing fiscal commitment (two or more fiscal-year appropriations) to a project by the local government.

This interpretation will not be construed to mean that an agency may not use grant funds under this program in the following situations:

1. For acceleration to a significant degree, generally two or more years, of the completion of a project which has been receiving a regular and ongoing fiscal commitment by the local government.
2. For projects which the local government has shown intent by virtue of appraisals, title reports, letters of agreement and the like, but not actual fiscal commitment.
3. For projects which the local agency has placed in the local budgetary process, but which have gone unfunded.

Senate Bill No. 174

CHAPTER 160

An act to add Chapter 3.2 (commencing with Section 5620) to Division 5 of the Public Resources Code, relating to the California Urban Open-Space and Recreation Program, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1976. Filed with Secretary of State May 12, 1976.]

LEGISLATIVE COUNSEL'S DIGEST

SB 174, Roberti. Open space and recreation: grants to local governments.

The Budget Bill for the 1976-77 fiscal year proposes to appropriate \$25,000,000 to the Department of Parks and Recreation for local grants for urban open-space and recreation programs, to be allocated to cities, counties, recreation and park districts, and regional park districts in accordance with criteria to be established pursuant to legislation enacted in 1976.

Existing law does not provide for a special program for grants to cities, counties, or districts in urbanized areas for the acquisition or development of recreational areas and open spaces.

This bill would establish the Roberti-Z'berg Urban Open-Space and Recreation Program to be administered by the Department of Parks and Recreation and to be funded by moneys appropriated by the Budget Act of 1976 and by subsequent budget acts to the department for grants for urban open-space and recreation programs. The bill would authorize grants to be made in accordance with procedures and criteria established by the Director of Parks and Recreation and approved by the Legislature, to applicant cities, counties, recreation and park districts, regional park districts, and certain public utility districts in urbanized, heavily urbanized, and nonurbanized areas, as defined, for the acquisition or development of recreational lands and facilities for recreational and open-space purposes on the basis of population and need, as specified.

The bill would require such grants to be made on the basis of 75% state money and 25% local matching money, and would prescribe various conditions for receipt of the grants. The department would be required to conduct a statewide needs analysis, including a full review of the grant program, and report its preliminary findings and recommendations to the Legislature not later than December 31, 1976, and make its final report not later than December 31, 1976. The bill would require the department on or before January 1, 1978, and January 1 of each year thereafter, to submit a report to the Legislature on all grants.

The bill would take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.2 (commencing with Section 5620) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 3.2. ROBERTI-Z'BERG URBAN OPEN-SPACE AND RECREATION PROGRAM

Article 1. General Provisions

5620. This chapter shall be known, and may be cited as, the Roberti-Z'berg Urban Open-Space and Recreation Program Act.

5621. As used in this chapter:

(a) "City" includes the City and County of San Francisco; "county" does not include the City and County of San Francisco.

(b) "Districts" means regional park districts formed under Article 3 (commencing with Section 5500) of Chapter 3, and recreation and park districts formed under Chapter 4 (commencing with Section 5780), of this division; and any public utility district formed under Division 7 (commencing with Section 15501) of the Public Utilities Code in a nonurbanized area that employs a full-time park and recreation director and offers year-round park and recreation services on lands and facilities owned by the district.

(c) "Urbanized area" consists of a central city or cities and surrounding closely settled territory, as determined by the United States Department of Commerce, Bureau of the Census, 1970. "Urbanized county" means any county, except the City and County of San Francisco, with a population of 200,000 or more, as determined by the United States Department of Commerce, Bureau of the Census, 1970.

(d) "Heavily urbanized area" means a large city with a population of 300,000 or more and a large county or regional park district with a population of 1,000,000 or more.

(e) "Nonurbanized area" means any city, county, or district which does not qualify as an urbanized area or urbanized county under the definitions set forth in subdivision (c) of this section.

(f) "Block grant" means the allocation of moneys for one or more projects for the acquisition or development of recreational lands and facilities.

(g) "Need basis grant" means the allocation of moneys for one or more projects for the acquisition or development of recreational lands and facilities in nonurbanized areas on a project-by-project basis, based upon need.

5622. The Legislature hereby finds and declares:

(a) The demand for recreation areas, facilities, and programs in California is far greater than the present supply, with the number of people who cannot be accommodated at the area of their choice or any comparable area increasing rapidly.

(b) The demand for recreation areas, facilities, and programs in the urban areas of our state are even greater: over 90 percent of the present population of California reside in urban areas; there continues to be approximately a 30-percent deficiency in open-space and recreation areas in the metropolitan areas of the state; less urban land is available, costs are escalating, and competition for land is increasing.

(c) There is a high concentration of urban social problems in California's major metropolitan areas which can be partially alleviated by increased recreational opportunities.

(d) By 1980, the need for local recreation areas, facilities, and programs will be nearly twice as great as presently required.

(e) By 1980, unless the lands and waters that hold recreation potential today are acquired or reserved for recreation as soon as possible, there will be a marked shortage of recreation lands and waters on a local and regional basis.

(f) Cities, counties, and districts must exercise constant vigilance to see that the recreation lands and facilities they now have are not lost to other uses; they should acquire additional lands as such lands become available; they should take steps to improve the facilities they now have.

(g) In view of the foregoing, the Legislature declares that an aggressive, coordinated, funded program for meeting existing and projected local recreation demands must be implemented without delay.

5623. Grants to cities, counties, and districts pursuant to this chapter are intended to supplement and not to supplant local expenditures for park and recreation areas and facilities or to diminish in any way then current efforts for providing parks and recreation services.

Article 2. Administration

5624. The program established by this chapter shall be administered by the Department of Parks and Recreation and shall be funded by moneys appropriated to the department for grants for urban open-space and recreation programs pursuant to Item 271 of the Budget Act of 1976 and pursuant to provisions of budget acts enacted subsequent thereto that appropriate funds for such programs.

5625. Annual grants may be made to cities, counties, and districts for recreational purposes or open-space purposes, or both, on the basis of population and need, as specified in this chapter. The director shall, by regulation, specify the procedures to be followed in applying for grant funds. The director shall propose criteria for determining priority of need, conduct public hearings on such proposed criteria, and, following such hearings, shall submit such proposed criteria to the Legislature on or before November 30, 1976,

for its approval within 60 days of submission of the criteria. Following such legislative approval, the director shall establish such criteria and publish and distribute the criteria to potential applicants. The director shall, by regulation, require the recipient of a grant under this chapter to submit periodic reports to the department with respect to its use of the grant. The grant recipient shall agree, as a condition to the receipt of the grant, to submit such periodic status reports as the department may require, but in no event shall the department require reports to be submitted more frequently than on a semiannual basis. All projects for which a grant is received shall be subject to state audit.

5626. (a) The property acquired or developed pursuant to this chapter shall be used by the grant recipient only for the purpose for which the grant moneys were requested and no other use of the area shall be permitted except by specific act of the Legislature. Any project funded with grant moneys received pursuant to this chapter shall conform to the recreation element of any applicable city or county general plan.

(b) The recipient of moneys pursuant to this chapter shall expend such moneys within three years from the date of receipt. If such moneys are not expended within the three-year period, the moneys shall revert to the state.

(c) The legal counsel of the grant recipient shall certify to the department that the grant recipient has met, or will meet, all federal, state, and local environmental, public health, relocation, affirmative action, and clearinghouse requirements and all other appropriate codes, laws, and regulations prior to the expenditure of the grant funds.

5627. (a) Grant moneys received pursuant to this chapter shall be expended for high-priority projects that satisfy the most urgent park and recreation needs, with emphasis on unmet needs in the most heavily populated areas within each jurisdiction.

(b) Grants received pursuant to this chapter shall be expended only for acquisition and development.

(c) Grants to cities, counties, and districts pursuant to this chapter shall be on the basis of 75 percent state money and 25 percent local matching money for the project. Grants for acquisition shall be matched only by money or property donated to be part of the acquisition project. Grants for development may be matched by monetary contributions or, if nonmonetary contributions, as provided in regulations and standards which shall be established by the director after a public hearing.

(d) The grant recipient shall certify to the department that there is available, or will become available prior to the commencement of any work on the project for which application for a grant has been made, matching money from a nonstate source. Such certification of the source and amount of such funds shall be set forth in the application for a grant submitted to the department.

5628. Sixty-nine percent of the moneys available for grant purposes in any one fiscal year shall be available only for block grants to cities, counties, and districts in urbanized areas for the acquisition or development of recreational lands and facilities, and shall be apportioned on the basis of population in the following manner:

(a) Sixty percent of such moneys shall be allocated to cities and to recreation and park districts in urbanized areas in the proportion that the population of the jurisdiction bears to the population of all cities and recreation and park districts in urbanized areas throughout the state. Recognizing that the boundaries of cities and of recreation and park districts may overlap, only the population of the jurisdiction which will actually provide and administer the recreational service contemplated shall be counted in such area of overlapping jurisdiction. The population of recreation and park districts within urbanized areas shall be certified by the board of supervisors of each county.

(b) Forty percent of such moneys shall be allocated to urbanized counties and to regional park districts in urbanized areas in the proportion that the total population of the jurisdiction bears to the total population of all urbanized counties and regional park districts in urbanized areas throughout the state. Recognizing that the boundaries of counties and regional park districts may overlap, only the population of the jurisdiction which will actually provide and administer the recreational service contemplated shall be counted in such area of overlapping jurisdiction.

5629. Fourteen percent of the moneys available for grant purposes in any one fiscal year shall be available only for block grants to cities, counties, and regional park districts in heavily urbanized areas for the acquisition or development of recreational lands and facilities, and shall be apportioned on the basis of population in the following manner:

(a) Sixty percent of such moneys shall be allocated to large cities which constitute heavily urbanized areas in the proportion that the population of the recipient bears to the population of all cities and recreation and park districts in heavily urbanized areas throughout the state.

(b) Forty percent of such moneys shall be allocated to large counties and regional park districts which constitute heavily urbanized areas in the proportion that the total population of the recipient bears to the total population of all large counties and regional park districts which constitute heavily urbanized areas throughout the state. Recognizing that the boundaries of counties and regional park districts may overlap, only the population of the jurisdiction which will actually provide and administer the recreational service contemplated shall be counted in such area of overlapping jurisdiction.

5630. Seventeen percent of the moneys available for grant purposes in any one fiscal year shall be available only for need basis

grants to cities, counties, and districts on a project-by-project basis and on the basis of need for the acquisition or development of recreational lands and facilities on the following basis:

(a) Eighty-eight percent of such moneys shall be available for grants to cities, counties, and districts in nonurbanized areas on a project-by-project basis and on the basis of need for the acquisition or development of recreational lands and facilities. The criteria for determining need shall include, but are not limited to, deficiencies in existing park and recreational lands and facilities, the impact of participants from outside the jurisdiction, and the overall merit of the grant proposal.

(b) Twelve percent of such moneys shall be available for grants to cities and recreation and park districts in urbanized areas on a project-by-project basis and on the basis of need for the acquisition or development of recreational lands and facilities. The criteria for determining need shall include, but are not limited to, population density and the inability to complete park and recreation projects due to low total assessed valuation in the jurisdiction. Jurisdictions eligible for funds under subdivision (a) of Section 5629 shall not be eligible for funds under this section.

5631. The department, in cooperation with the federal government, local public agencies, and appropriate representatives of industry, shall coordinate and conduct a statewide needs analysis in relation to the purposes of this chapter. Such analysis shall include a full review of the grant program authorized pursuant to this chapter. The department shall report its preliminary findings and recommendations, including recommendations as to funding levels and sources in connection with such grant program, to the Legislature not later than December 31, 1976, and shall make its final report and recommendations to the Legislature on or before December 31, 1977.

5632. The director shall, on or before January 1, 1978, and January 1 of each year thereafter, submit a report to the Legislature on all grants made pursuant to this chapter.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as the Budget Bill for the 1976-77 fiscal year, which when enacted will take effect immediately as an urgency statute, proposes an appropriation of twenty-five million dollars (\$25,000,000) for urban open-space and recreational programs to be administered pursuant to the provisions of this act, it is necessary that this act take effect immediately.

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APPENDIX J
URBANIZED AREA MAPS

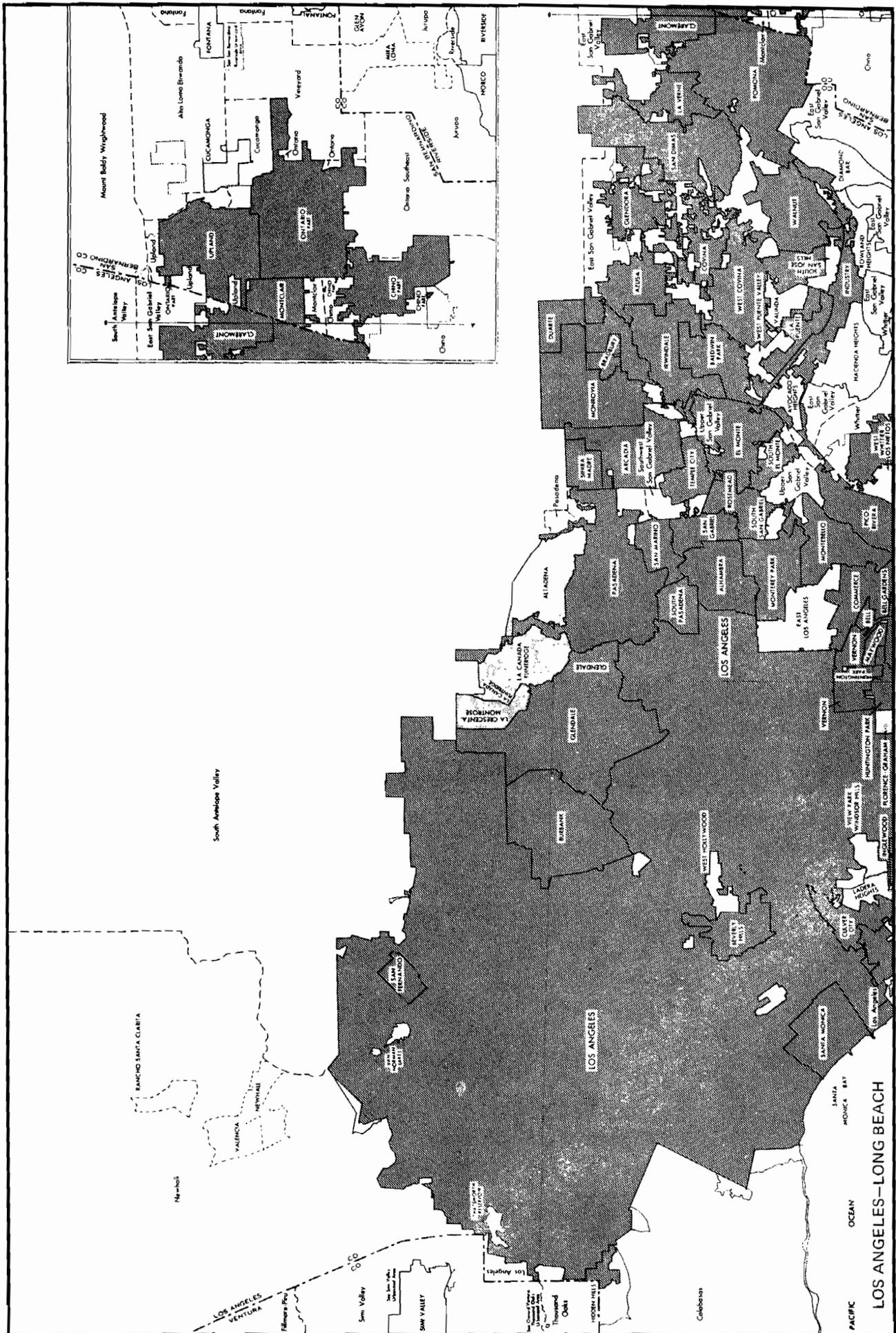
COMPONENTS OF URBANIZED AREA

-  Incorporated Places
-  Unincorporated Places
-  Unincorporated Area

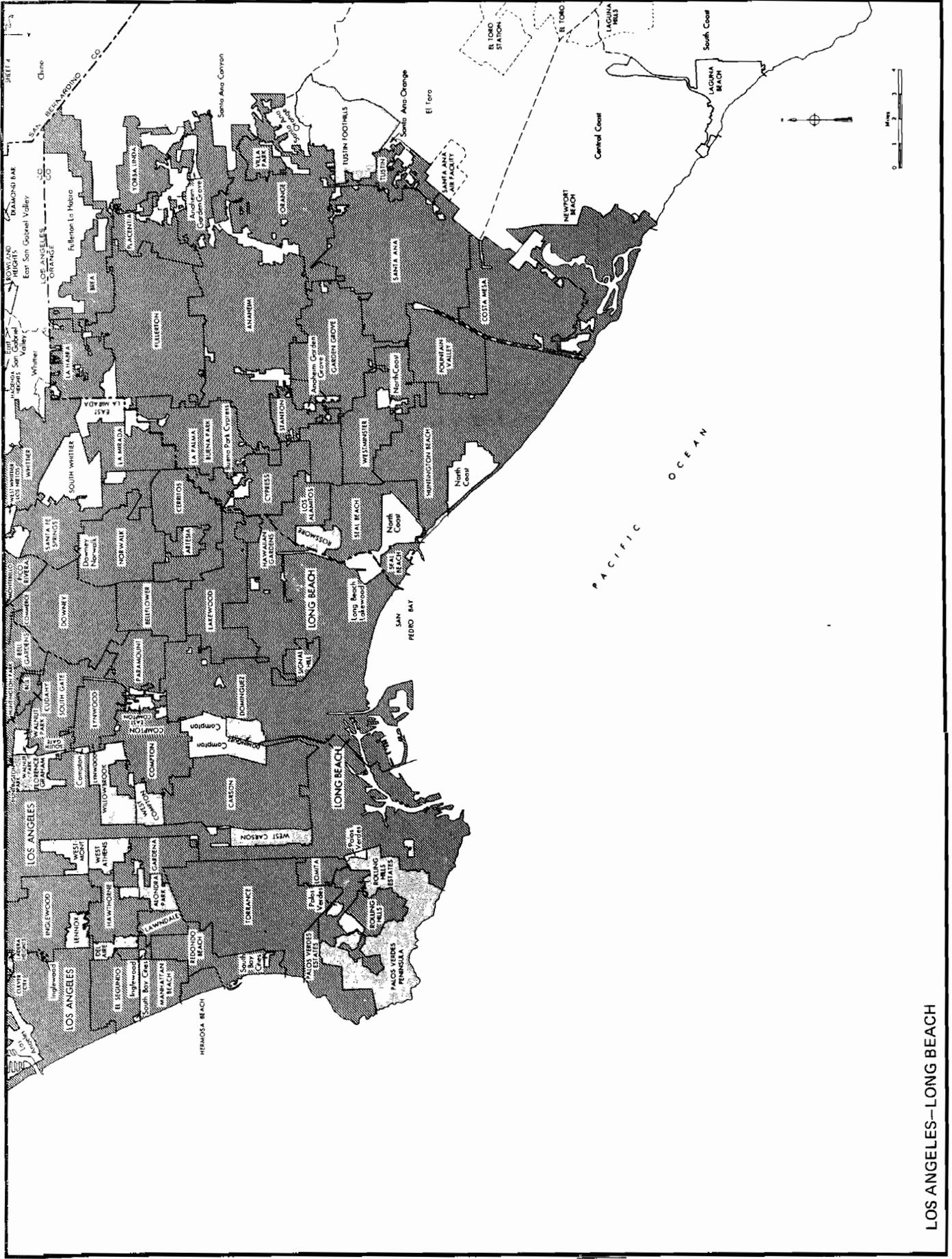
BOUNDARY SYMBOLS

-  International
-  State
-  County
-  Census County Division
-  Incorporated Place
-  Unincorporated Place Outside Urbanized Area

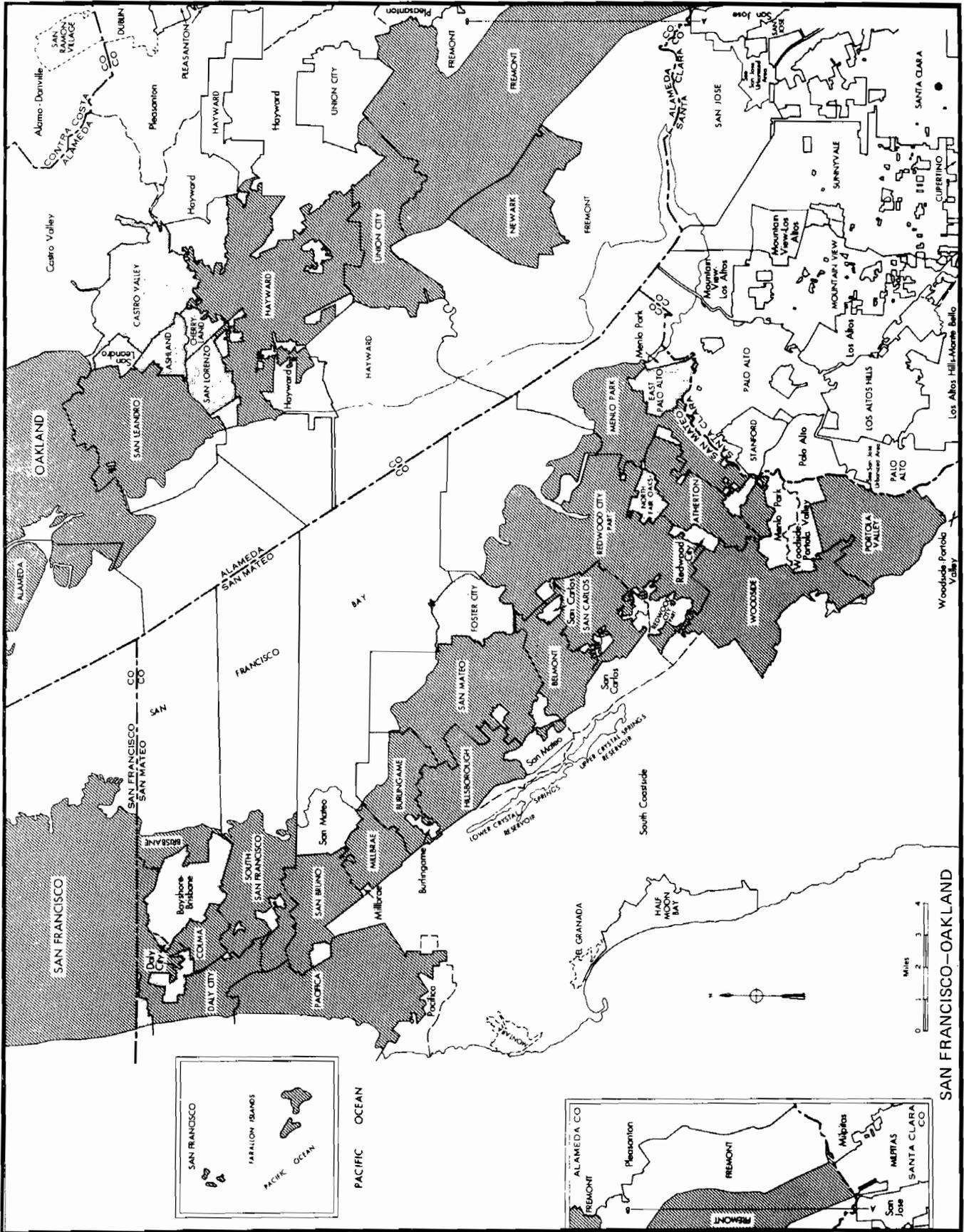
Note: Fremont, Hayward, Palo Alto, Roseville, San Diego, San Jose, and Union City are "extended cities," see text



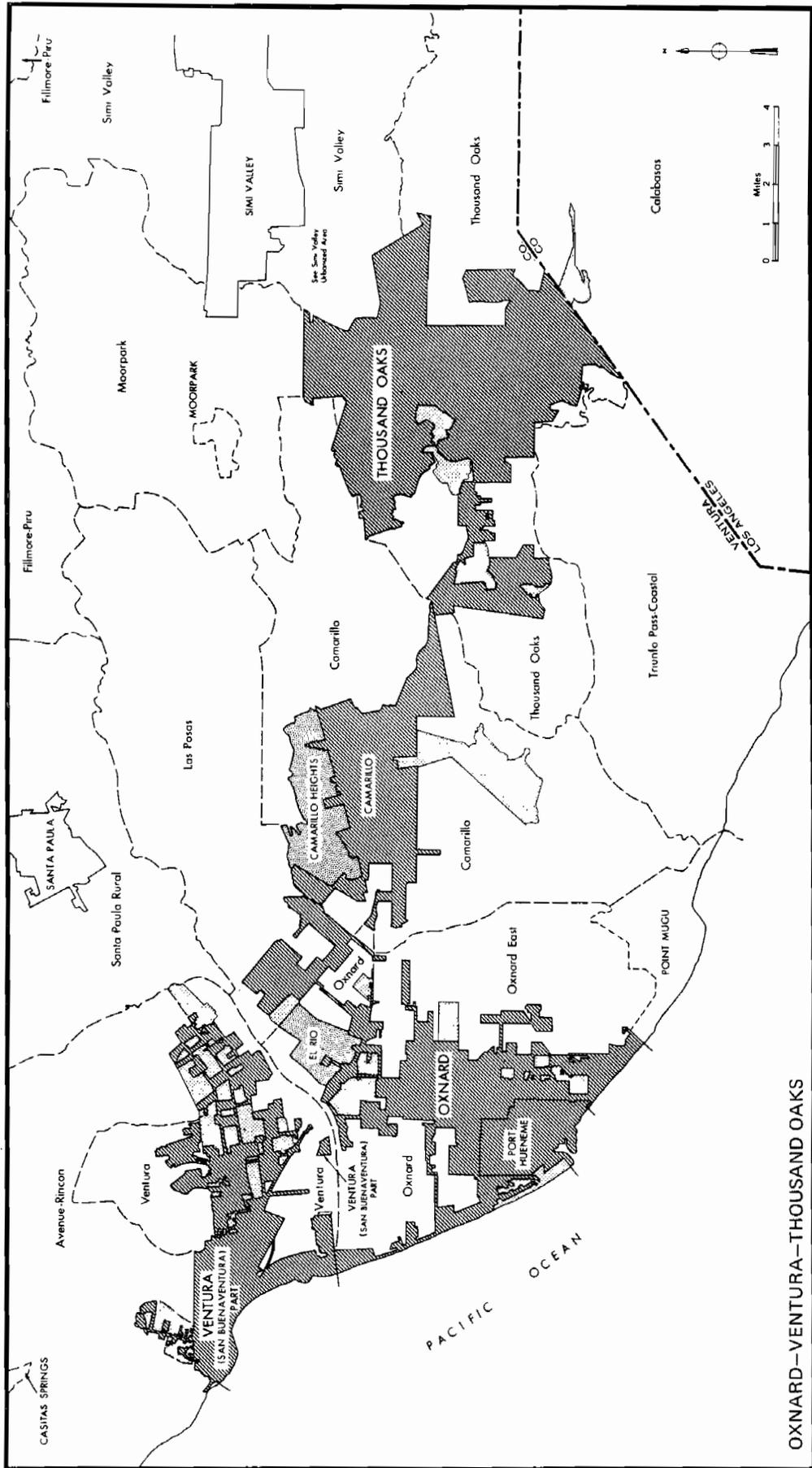
LOS ANGELES—LONG BEACH



LOS ANGELES—LONG BEACH



SAN FRANCISCO-OAKLAND



OXNARD-VENTURA-THOUSAND OAKS

- COMPONENTS OF URBANIZED AREA**
- Incorporated Places
 - Unincorporated Places
 - Unincorporated Area
- BOUNDARY SYMBOLS**
- International
 - State
 - County
 - Census County Division
 - Incorporated Place
 - Unincorporated Place Outside Urbanized Area

Metropolitan Map Series showing boundaries in detail are available at cost on request to the Bureau of the Census

Note: Fremont, Hayward, Palo Alto, Roseville, San Diego, San Jose, and Union City are "extended cities"; see text.

