

Procedural Guide

for the

COMMUNITY PARKLANDS ACT OF 1986

\$100,000,000 Grant Program

December 1986

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INTRODUCTION

This guide will assist local government in applying for and administering State grant funds available under provisions of the Community Parklands Act of 1986 (1986 Bond Act, Appendix A, Page 15). It contains information on the program, application and billing procedures and the criteria for an acceptable project.

Important Points of Program

1. Unlike previous Park Bond Acts, grant funds are appropriated in the State Budget by agency, not individual project. The aggregate dollar amount of your individual projects will be the amount placed in the budget (not to exceed your total allocation) for appropriation by fiscal year.
2. These grant funds are not available for expenditure until they are appropriated and no funds shall be disbursed until an agreement between the State Department of Parks and Recreation and the grant recipient has been signed by both parties. The first appropriation year is 1987/88.
3. The minimum grant request is \$20,000 for each individual project.
4. The grant recipient must start the project(s) within three years of the date of appropriation of the grant funds in the State Budget. The property to be acquired or developed must be open for public use not more than three years after the effective date of the grant agreement. Failure to comply with these requirements could result in a loss of all State funding under the Community Parklands Act of 1986.
5. State approval of construction and/or acquisition documents is not required under this program. However, for each project, the local agency will be required to sign a certification form that states it will comply with all applicable laws and regulations. The State will conduct a courtesy review of your plans if requested.
6. All real property shall be acquired in compliance with the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code. Acquisition of land requires a 25% local match.
7. Adequate tenure to the property is required for development projects. Adequate tenure means the land must be owned by the grant recipient or subject to a lease or other long term interest held by the grant recipient that is satisfactory to the State.
8. Certification that the project is consistent with the park and recreation plan for the grant recipient's jurisdiction and will satisfy a high priority need is required for each project and is contained in the project information form.
9. The intent of the Community Parklands Act of 1986 is to provide land and facilities for park and recreation purposes. However, where necessary, up to 20% of the grant amount can be expended for non-construction costs such as plans and specifications, construction inspection and directly-related administrative costs.

10. Any grant made under this program and the performance of the grant recipient in expending the grant may be audited at any time by the State. KEEP ACCURATE RECORDS OF ALL EXPENDITURES. (Appendix I, Page 23, Support Material for Final Payment.)
11. Changes in individual project scope or location must be approved by the State.
12. Contact the Office of Grants Administration of the Department of Parks and Recreation if there are questions remaining after you have reviewed this entire Procedural Guide.

PROGRAM INFORMATION

This program is administered by the State Department of Parks and Recreation. Day-to-day administration of individual projects is the responsibility of a project officer who is assigned a specific geographical area of the state, based on county boundaries. Processing will be expedited if the name of the project officer assigned to your area is included on all mail. All inquiries, correspondence and grant applications should be addressed to:

Project Officer (if known)
State Department of Parks and Recreation
Office of Grants Administration
*P. O. Box 942896
Sacramento, CA 92496-0001
Telephone: (916) 445-4441

*Please note: This is a new address.

Eligible Units of Government and Allocation of Grant Funds

Eligible grant recipients and grant fund allocations have been determined pursuant to Sections 5702(a) and 5720 of the Public Resources Code (The Bond Act).

Eligible Projects

Every attempt should be made to achieve the greatest ratio of recreation benefits to project costs. On completion, all grant projects must provide or support public recreation. The only exceptions are the acquisition or restoration of historic sites or structures.

An "individual project" may consist of similar facilities at several different locations, each of which may be less than \$20,000, as long as total project costs exceed that amount (i.e. tennis court resurfacing at four parks; irrigation at three parks; etc.).

The grant funds authorized for the program may be expended by the recipient for any of the following purposes or any combination thereof:

- (a) The rehabilitation, improvement or restoration of deteriorated roads, utilities and other structures and facilities within existing parks and recreational areas.

- (b) Neighborhood, community and regional parks.
- (c) Beaches and public accessways to beaches.
- (d) Historical sites and structures.
- (e) Recreational areas and facilities.
- (f) Hiking, bicycling and equestrian trails.
- (g) Development rights and scenic easements in connection with any acquisition made for any purpose specified in subdivisions (b) to (f), inclusive, so long as the right or easement directly enhances the enjoyment or usefulness of the acquisition.

Acquisition

Acquisition of real property for parks, beaches, recreation areas and facilities and historical resources and purchase of development rights and scenic easements in connection with such lands and resources are eligible.

Acquisition of real property shall be on the basis of 75% State grant money and 25% local matching money. Grants shall be matched only by money, or by donated property that is part of the acquisition project.

The grant recipient shall certify to the Department of Parks and Recreation that there is available, or will become available before commencement of any work on the project for which application for a grant has been made, matching money from a non-State source. The certification of the source and amount of the funds shall be set forth in the individual project information form submitted to the Department.

Requirements for Acquisition Projects

Agencies acquiring property under the State grant program created by the Community Parklands Act of 1986 must comply with provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code. This statute and State regulations provide for uniform relocation and acquisition procedures necessary in the acquisition of properties by any public entity.

Development

Park development for public use is eligible. Facilities may include athletic fields, courts, open playfields, tot-lots, indoor recreation facilities, picnic tables and a variety of other facilities that provide opportunities for active and passive recreation use.

Indoor facilities normally constructed, operated and maintained by local government agencies for recreation purposes are eligible. Examples of eligible facilities include gymnasiums, youth centers, museums and indoor swimming pools.

When a facility includes recreation and non-recreation features or uses, facilities primarily for recreation use may be funded on a pro-rata share of the entire

development. When a facility is to be used part-time for recreation and part of the time for non-recreation activities, pro-rata funding may be granted.

Indoor support facilities directly related to a recreation activity such as a storage room for athletic equipment are eligible.

Grants to local jurisdictions for development of recreational facilities on school-owned lands can be made when there exists sufficient supporting information that such facilities will be available for use by the general public for a substantial amount of time throughout the year. In support of this policy, it is recognized that there is no exacting formula to determine the proportion of exclusive school use to recreational use by the general public because of differences in local programs and conditions and the differing use patterns for specific recreation facilities. General public use for recreational purposes will be considered substantial if the facility is available after normal school hours, weekends and during school vacation periods.

For projects on school lands where public recreation use is less than substantial, grants may be made on a proportional basis.

Historical Projects

Eligible historical projects include (but are not limited to) any building, structure, site, area or place historically or archeologically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California.

The project may appear on one of the following three registration programs to qualify as a historic site or building: (1) The California Historical Landmarks Program; (2) The Points of Historical Interest Program; or, (3) The National Register of Historic Places. Contact the State Office of Historic Preservation at (916) 445-8006 for information on the historical significance of a proposed project.

Rehabilitation

Recreation facilities or areas that are not serviceable or are only partially serviceable, which can be rehabilitated to provide additional or expanded recreation opportunities, are eligible. This may include improvement of inoperative, unsafe or limited-use facilities. Improvements to provide additional use by the disabled, senior citizens and other special groups are also eligible.

Requirements for Development, Historical and Rehabilitation Projects Certification

Certification by a registered engineer, architect or authorized representative (force account or materials only project) that the project meets all applicable laws and regulations is required. The Certification Form (Appendix F, Page 20) shall be submitted for each development-related project before the State will honor payment requests to 90% of the grant amount.

If requested in advance by State, the grant recipient shall permit periodic site visits to insure work progress in accordance with the approved project.

Any significant deviation from the projects shown on the agreement shall be submitted to the State in writing for approval.

Land Tenure

Funds granted may be expended for development, rehabilitation or restoration only on lands owned by or subject to a lease or other interest held by the grant recipient city, county or district. If such lands are not owned by the grant recipient, the grant recipient shall first demonstrate to the satisfaction of the Director of the Department of Parks and Recreation that the development, rehabilitation or restoration will provide benefits commensurate with the type and duration of interest in land held by the grant recipient. Any termination clause must be by mutual consent.

Ineligible Projects

Projects on school properties expressly for education purposes are not eligible.

The costs for preparing master plans for park and recreation area acquisition and development are not eligible. Financing of specific project planning for development projects, or of incidental costs for acquisition projects being funded under this program, are allowed up to a reasonable level, but in no case exceeding 20% of the grant amount. General overhead costs are not eligible.

Facilities only marginally related to recreation purposes such as administrative offices or storage facilities for maintenance are not eligible.

Generally, auditoriums are not eligible.

Following is a non-exclusive list of additional ineligible projects:

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

Time Limitations

Projects that can be initiated and completed rapidly and made available for public use soon after legislative appropriation should be given highest priority by each local agency in selecting grant projects. Under the provisions of the 1986 Bond Act, a local agency must start the project within three years of the date the funds are appropriated by the Legislature. In addition, the property to be acquired or developed must be open to public use no later than three years from the date of the grant agreement between the State Department of Parks and Recreation and the local agency. A completed project is recognized where acquisition and/or development is complete and open to the public, and all project expenditures have been stated on the final payment request form submitted to the State. If the property is not open to public use by that date, the State may require the grant funds to be returned and the local agency will be ineligible to receive any further funds from the 1986 Bond Act (see Section 5723(c), Appendix

A, Page 15). All such funds returned or not encumbered will be available for appropriation for projects that the Legislature selects in 1990.

Normal Project Flow

1. Eligible local agencies submit Application and Project Summary Form along with Resolution (Appendix B, Page 16) by December 12, 1986 for the 1987/88 Fiscal Year; and by September 15, 1987 for the 1988/89 Fiscal Year if all funds have not yet been requested; and by September 15, 1988 if the local agency still has funds remaining.
2. The State Department of Parks and Recreation submits the name of the agency and the grant amount requested to the Department of Finance for inclusion in the Budget Bill.
3. Grant recipient submits information for individual projects.
4. The budget is approved by the Legislature and the Budget Bill is signed by the Governor on July 1, annually. This appropriates the funds and makes them available for encumbrance by contract. The State sends an agreement (contract) to the grant recipient and it must be signed within three years of this date or the funds revert.
5. The State signs an agreement with the grant recipient. This encumbers the funds within the State accounting system, and establishes the beginning date of the three-year period during which the property to be acquired or developed must be open to public use.
6. One agreement will be made between the State and local agency even if multiple applications are submitted.
7. The local agency may submit a payment request (Appendix H, Page 22) for 10% of the estimated cost of an individual project(s) when ready to prepare construction plans or acquisition documents.
8. The local agency may submit a payment request, along with certification form (Appendices F, G; Pages 20 & 21) for an additional 80% when ready to proceed with development or acquisition.
9. The local agency commences project.
10. The project(s) is completed by the local agency, audited by the State and final 10% paid.

APPLICATION PROCEDURES

When to Apply

Applications are due December 12, 1986 for the first year and September 15th for the next two years, if the local agency has not requested its full entitlement.

What to Submit

Application for grant funds consists of the following:

Part I

1. Resolution. Use sample resolution (Appendix C, Page 17).
2. Application and Project Summary Form (Appendix B, Page 16). This is a summary of all of the projects for which you are requesting funding in a given fiscal year. This summary form is submitted each year until you have applied for your total grant allocation.

Part II

For each project listed on the Application and Project Summary Form, the following is required:

1. Complete project information form as indicated. Be sure that the person authorized in the resolution signs the form. Agencies that do not have a Planning Department may designate a responsible agency official to certify. This would usually be the same person authorized in the agency's resolution to apply for the grant.
2. Compliance with the California Environmental Quality Act of 1970 (CEQA). The applicant is encouraged to obtain a copy of Chapter 3, Division 6, Title 14, California Administrative Code, which sets forth guidelines for implementation of CEQA (contact your legal counsel or obtain a copy of CEQA statutes and guidelines, 1986, stock number 7540-931-1022-0, from the State Department of General Services, Publication Section, P. O. Box 1015, North Highlands, CA 95660, (916) 924-4800). The grant grant recipient (lead agency) determines if the project requires an environmental impact report (EIR) or a negative declaration or is categorically exempt. The State Department of Parks and Recreation (responsible agency) will determine the applicability of the action taken by the grant recipient.

If not categorically exempt: Submit one copy of the final EIR or negative declaration and the State Clearinghouse review letter with comments, if any, and lead agency replies; and a copy of the Notice of Determination filed with the County Clerk from the county where the project is to be undertaken.

If categorically exempt: Submit one copy of a notice of exemption filed with the County Clerk from the county where the project is to be undertaken.

Copies of the Notice of Determination or Notice of Exemption submitted to the State should have the County Clerk's stamp with the date of filing on the document.

3. Copies of leases, joint powers agreements, permits, etc., that affect project.
4. Submit cost estimate:

Sample

Development Cost Estimate

Construction Costs

Site preparation	\$ 7,000
Demolition (removal of obsolete bathhouse)	1,000
Parking lot and road	20,000
Lighting system	8,000
Automatic irrigation system	25,800
Picnic tables and benches	10,000
Barbecue stoves	500
Underground trash receptacles	1,000
Walkway	11,000
Bicycle trail and bicycle rack	2,500
Restroom	32,000
Sewer System	5,000
Water system	11,000
Electrical system	2,000
Storm drain	1,000
Model boat lagoon	8,000

Architectural, Engineering and Inspection Costs

Engineering and preparation of plans, specifications and contracts done by City forces	15,000
Engineering supervision of contractual construction	<u>5,000</u>
Total	\$165,800

5. Submit Acquisition Schedule. A 25% non-State match is required for acquisition projects. Submit one copy of a subdivision plot or boundary map showing the exterior boundaries of each parcel to be acquired, along with an acquisition schedule.

Sample

Acquisition Schedule

<u>Parcel Code*</u>	<u>No.</u>	<u>Acreage</u>	<u>Est. Date of Acq.</u>	<u>Est. Value of Land to Be Acquired</u>	<u>Est. Value of Improvement to Be Acquired</u>	<u>Relocation</u>	<u>Total Est. Cost</u>
1	1	25.20	2/84	\$102,000	---	---	\$102,000
2	2	2.97	1/84	19,000	\$4,500	7,000	30,500
1	3	6.00	2/84	31,000	---	---	31,000
1	4	37.13	2/84	76,500	---	---	76,500

Administration of relocation program \$1,000

Total acreage 71.30	Total	\$241,000
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*Code: 1: Negotiated purchase; 2: Condemnation

6. Provide a scaled site map showing the major facilities and exterior boundaries of the area to be developed with the grant and city, county or district map showing project(s) location(s).

PROJECT ADMINISTRATION

Project Agreement

The agreement (Appendix E, Page 19) will include clauses relating to the following:

1. Assumption by the grant recipient of all responsibility for operation and maintenance.
2. Agreement to provide and submit progress and expenditure reports, if requested.
3. Agreement as to the availability of books, records and reports for inspection by the State.
4. Agreement for project inspection by the State.
5. A "hold harmless" statement indemnifying the State of damage costs, liability and so on.
6. Nondiscrimination.
7. Interest that accrues on advanced grant funds.

Accounting Requirements

The grant recipient 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. The system must also provide, or potentially provide, accounting data so that total cost of each individual project can be readily determined.

Eligible Costs

Only project-related costs incurred during the project performance period specified in the grant agreement will be eligible. All such costs must be supported by appropriate invoices, purchase orders, cancelled warrants and other records.

The purpose of the Community Parklands Act of 1986 is to fund the acquisition of property for park and recreation purposes, and to develop or rehabilitate facilities for public recreational use. Any funds spent for non-acquisition or non-construction purposes reduce the amount of useable facilities available for public use. Therefore, no more than 20% of grant funds shall be spent on eligible non-construction or non-acquisition costs such as administration, preparation of plans and specifications, appraisals, etc.

1. Preliminary Costs: Preliminary project costs (e.g. construction plans, appraisals, acquisitions negotiations, etc.) incurred after the date of appropriation (i.e. passage of the State Budget that includes the project) are eligible, provided that an agreement for the project is executed by the State and the grant recipient.
2. Personnel or Employee Services: Services of the grant recipient's employees directly engaged in project execution are eligible costs. These costs must be computed according to the grant recipient's prevailing wage or salary scales and may include fringe benefit costs such as vacation, sick leave, social security contributions, etc., that are customarily charged to the grant recipient's various projects. Costs charged to the project must be computed on actual time spent on a project, and supported by time and attendance records describing the work performed on the project. Overtime costs may be allowed under the grant recipient's established policy, provided that the regular work time was devoted to the same project.

Salaries and wages claimed for employees working on State grant funded projects must not exceed the grant recipient's established rates for similar positions.

3. Consultant Services: The costs of consultant services necessary for the project are eligible. Consultants must be paid by the customary or established method and rate of the grant recipient.

No consultant fee may be paid to the grant recipient's own employees unless specifically agreed to by the State.

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

If the grant recipient's equipment is used, a report or source document must describe the work performed, indicate the hours used, relate the use to the project and 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 on completion.

5. Supplies and Materials: Supplies and 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 grant recipient. 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 are capitalized, according to the grant recipient's normal practice or policy. If capitalized, only that cost reasonably attributable to the project may be claimed under the project.
6. Signs and Interpretive Aids: The costs of signs, display boards or other minor interpretive aids relating to the project are eligible.
7. Construction: The cost of all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a structure or facility, is eligible.

8. Acquisition: Costs incurred in 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 of condemnation.
9. Relocation Costs: Relocation costs are allowable for projects that result in displacement of any person and/or business. The grant recipient must comply with the requirements of the Relocation Act, even if 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 necessary for execution of the project. Some of these costs are:
 - a. Communications (such as telephone, telegrams, letters, etc.)
 - b. Premiums on hazard and liability insurance to cover personnel and/or property during construction period
 - c. Work performed by another section or department of the applicant's agency
 - d. Transportation costs for moving equipment and/or personnel

Ineligible Costs

The following are not eligible costs:

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

Income and Interest

Any income accruing from intended recreational use of the project may be disposed of at the grant recipient's discretion, consistent with the jurisdiction's normal procedure.

Gross income that is earned by the grant recipient from non-recreational uses of an acquisition project (e.g. rental from agricultural leases), after taking title, must be used by the grant recipient for any of the following at the project site: recreation development, additional acquisition, operation or maintenance.

Gross income that accrues to a grant-assisted development project during and/or as a part of the construction from sources other than the intended recreation use shall also be used for further development of that particular project.

If the gross income and earned interest are not used for additional acquisition, development or rehabilitation of the project, such income and interest shall be returned to the State, and/or the amount of the State grant shall be reduced by the amount of such income and interest.

Gross income includes the fair market value of real and/or personal property, or personal services received in exchange for non-recreation activity conducted on the land acquired and/or to be developed under this Bond Act.

Payment of Grant Funds

After the Legislature has approved the project and the grant agreements have been signed, up to 10% of the total grant amount may be requested for specific planning for each individual development project. On receipt of the grant recipient's signed certification form (Appendix F, Page 20), up to 90% of the total grant for the specific project may be requested after the construction contract is awarded or construction has commenced for development projects.

If advances are made and not immediately used, the advanced funds should be placed in a separate interest-bearing account. The grant recipient shall be held accountable for the interest earned. If necessary, the interest may be computed by the State.

Ten percent will normally be withheld until each project has been completed.

For acquisition projects, 90% of the grant may be advanced after the State has received the grant recipient's certification form. Such advance shall be placed immediately into escrow, or deposited with the court.

CHANGES AND TIME EXTENSIONS TO APPROVED PROJECT(S)

Once grant funds have been appropriated by the State Legislature, any change in the individual grants submitted by the local agency must be approved by the State.

Total Withdrawal from Program

If a jurisdiction fails to submit an application for its allocated amount before September 15, 1989 or otherwise withdraws from the program or elects not to use its allocation, its unused allocation or balance will be lost to that jurisdiction.

Modification of Approved Project(s)

A request for any changes in an individual project(s) must be submitted to the State for approval prior to any changes being made. Examples are: A change in acreage or boundary lines in an acquisition project; construction of a rest-room instead of the 20 picnic sites stated in the project agreement for a development project; changes in the grant amount or changes in project location.

Grant recipient's should follow these procedures for withdrawing all, or a portion of, an approved project and substituting another:

1. Contact the Office of Grants Administration and explain the circumstances necessitating withdrawal. Follow up with an explanation in writing.
2. Submit a completely new project information form and attachments for the substitute project.

Time Extensions

Under the 1986 Bond Act, there will normally not be any time extensions granted since the Act requires the local agency to open the property to be acquired or developed for public use within three years of the date the project agreement is signed, or the agency must return all grant funds to the State. The one exception is where the project is not completed due to circumstances wholly beyond the control of the grant recipient. A request for a time extension must be submitted to the State along with justification for the request and the State will determine if circumstances are wholly beyond the grant recipient's control.

PROJECT COMPLETION

Submit four completed copies of the payment request form and a statement that the project(s) has been completed. See Appendix I (Page 23), Support Material for Final Payment, for a complete list of the items that must be on file for audit purposs in order to close out a project and receive the final 10% payment.

Your project(s) expenditure records may then be audited by the State and a final inspection of the project(s) made by the Auditor.

The State may withhold the final 10% until after audit.

State Audit

At the completion of the project(s), the State may audit the project records. 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.

The purpose of the audit is to verify if project expenditures were properly incurred. The audit is requested by the State after the final payment request has been received and after all project transactions have been completed and necessary payments have been made by the grant recipient.

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

All project records must be retained by the grant recipient for a period of not less than one year after the State audit or final disposition of any disputed audit findings.

CONVERSION OF PARKLANDS OR FACILITIES TO OTHER USES

Property acquired or developed with State grant money shall be used for park, beach, recreational or historical resources preservation purposes. Any property so acquired or developed shall not be converted to other uses without specific prior approval of the Legislature (see 5723(a), Public Resources Code).

APPENDIX A

COMMUNITY PARKLANDS ACT OF 1986

Senate Bill No. 806

CHAPTER 5

An act to add Chapter 3.7 (commencing with Section 5700) to Division 5 of the Public Resources Code, relating to financing of a program of acquiring, developing, improving, rehabilitating, or restoring real property for park, beach, recreational, and historical resources preservation purposes through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 6, 1986. Filed with Secretary of State February 6, 1986.]

LEGISLATIVE COUNSEL'S DIGEST

SB 806, Presley. Community Parklands Program: bond issue. Under existing law, there are local assistance grant programs established for park, beach, recreational, and historical resources preservation purposes.

This bill would enact the Community Parklands Act of 1986, which, if adopted, would authorize for those purposes, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$100,000,000. The bill would provide for submission of the bond act to the voters at the June 3, 1986, direct primary election and, upon approval of the voters, would become operative on July 1, 1986.

The bill would take effect immediately as an urgency statute.

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

SECTION 1. Chapter 3.7 (commencing with Section 5700) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 3.7. COMMUNITY PARKLANDS ACT OF 1986

Article 1. General Provisions

5700. This chapter shall be known and may be cited as the Community Parklands Act of 1986.

5701. The Legislature hereby finds and declares as follows:

(a) It is the responsibility of the state to encourage, and assist in the provision of, better parks and enhanced recreational opportunities for all citizens of California.

(b) Community, neighborhood, and regional parks, beaches, recreational areas, recreational trails, and other recreational facilities, and the preservation of historic sites and structures

contribute significantly to a healthy physical and moral environment and also contribute to the economic betterment of the state.

(c) Many older parks and recreational facilities have deteriorated to the point where the original investment in them may become lost, and prompt action is necessary to restore them to usefulness.

(d) Accordingly, it is in the public interest for the state to assist counties, cities, and districts in providing these facilities for the use and enjoyment of citizens they serve.

5702. As used in this chapter, the following terms have the following meanings:

(a) "District" means any regional park district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 and any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780). With respect to any community which is not included within a regional park district or a recreation and park district and in which no city or county provides parks or recreational areas or facilities, "district" also means any other district which is authorized by statute to operate and manage parks or recreational areas or facilities, employs a full-time park and recreation director and offers year-round park and recreation services on lands and facilities owned by the district, and allocates a substantial portion of its annual operating budget to parks or recreation areas or facilities.

(b) "Fund" means the Community Parklands Fund.

(c) "Program" means the Community Parklands Program established by this chapter.

Article 2. Community Parklands Program

5710. (a) The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Community Parklands Fund, which is hereby created.

(b) All money deposited in the fund shall be available for appropriation in the manner set forth in Section 5735 in an amount not to exceed one hundred million dollars (\$100,000,000) for grants to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property for park, beach, recreational, or historical resources preservation purposes.

5711. (a) The total amount proposed to be appropriated for the program shall be included in a section in the Budget Bill for the 1987-88 fiscal year and each succeeding fiscal year for consideration by the Legislature and shall bear the caption "Community Parklands Program."

(b) Commencing with the Budget Bill for the 1990-91 fiscal year, any grant funds which were not accepted by a recipient or were not encumbered by the recipient within the three-year period specified in Section 5721 or which were restored pursuant to subdivision (c) of Section 5723 shall be available for appropriation for one or more

projects of the type specified in Section 5712 that the Legislature deems to be of the highest priority statewide.

(c) All appropriations are subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from those laws by a statute enacted by the Legislature. The section in the Budget Act shall contain proposed appropriations only for the program contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in that section of the Budget Act.

5712. The grant funds authorized for the program may be expended by the recipient for any of the following purposes or any combination thereof:

(a) The rehabilitation, improvement, or restoration of deteriorated roads, utilities, and other structures and facilities within existing parks and recreational areas.

(b) Neighborhood, community, and regional parks.

(c) Beaches and public accessways to beaches.

(d) Historical sites and structures.

(e) Recreational areas and facilities.

(f) Hiking, bicycling, and equestrian trails.

(g) Development rights and scenic easements in connection with any acquisition made for any purpose specified in subdivisions (b) to (f), inclusive, so long as the right or easement directly enhances the enjoyment or usefulness of the acquisition.

Article 3. Administration

5720. (a) The grant funds authorized for the program shall be allocated to counties, cities, and districts on the basis of their populations, as determined by the Department of Parks and Recreation in cooperation with the Department of Finance on the basis of the most recent verifiable census data and such other population data as the Department of Parks and Recreation may require to be furnished by any county, city, or district.

(b) Forty percent of the total funds available for grants shall be allocated to counties and regional park, open-space, or park and open-space districts formed pursuant to Chapter 3 (commencing with Section 5500). Each county's allocation shall be in the same ratio as the county's population is to the state's total population, except that each county shall be entitled to a minimum allocation of one hundred thousand dollars (\$100,000). In any county that embraces all or part of the territory of a regional park, open-space, or park and open-space district whose board of directors is not the county board of supervisors, the amount allocated to the county shall be apportioned between the county and the regional district in proportion to the population of the county that is included within the territory of the regional district and the population of the county that

is outside the territory of the regional district.

(c) (1) Sixty percent of the total funds available for grants shall be allocated to cities and districts, other than regional park, open-space, or park and open-space districts. Each city's and each such district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated areas and in unincorporated areas within districts, except that each city or district shall be entitled to a minimum allocation of twenty thousand dollars (\$20,000). In any instance in which the boundary of a city overlaps the boundary of a district, the population in the area of overlapping jurisdictions shall be attributed to each jurisdiction in proportion to the extent to which each operates and manages parks and recreational areas and facilities for that population. In any instance in which the boundary of a city overlaps the boundary of a district, and in the area of overlap the city does not operate and manage parks and recreational areas and facilities, all grant funds shall be allocated to the district.

(2) Each city and other district whose boundaries overlap, shall develop a specific plan for allocating the grant funds in accordance with the formula specified in paragraph (1). If, by October 1, 1986, the plan has not been agreed to by the affected jurisdictions and submitted to the Department of Parks and Recreation, the Director of Parks and Recreation shall determine the allocation of the grant funds among the affected jurisdictions.

5721. (a) Individual applications for grants shall be submitted to the department for approval as to conformity with the requirements of this chapter. The application shall be accompanied by certification from the planning agency of the applicant that the project for which the grant is applied is consistent with the park and recreation element of the applicable city or county's general plan or the district's park and recreation plan and will satisfy a high priority need. In order to utilize available grant funds as effectively as possible, overlapping or adjoining jurisdictions are encouraged to combine projects and submit a joint application.

(b) The minimum amount that the applicant may request for any individual project is twenty thousand dollars (\$20,000).

(c) Every application shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(d) Grants that are wholly or partially for the acquisition of real property shall be made on the basis of 75 percent state funds and 25 percent local matching funds or property donated to be part of the project. 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, matching funds or property in the required amount from a nonstate source. Certification of the source and amount or value shall be set forth in the application.

(e) The director shall annually forward a statement of the total amount to be appropriated in each fiscal year for projects approved for grants to the Director of Finance for inclusion in the Budget Bill. The amount of grant funds to be allocated to each eligible jurisdiction shall be published in the Governor's Budget for the fiscal year in which the appropriation for those grants is to be made and, as soon as possible thereafter, a list of projects for which grants have been approved shall be made available by the department.

(f) Grant funds shall be encumbered by the recipient within three years of the date the appropriation became effective, regardless of the date when the project was approved by the department pursuant to this section.

5722. Grant funds may be expended for development, rehabilitation, or restoration only on lands owned by, or subject to a lease or other long-term interest held by, the applicant. If the lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the director that the development, rehabilitation, or restoration will provide benefits commensurate with the type and duration of interest in land held by the applicant. No grant funds may be expended for any purpose that is not directly related to the operation and management of parks and recreational areas and facilities.

5723. (a) No grant funds authorized by this chapter shall be disbursed until the applicant agrees that any property acquired or developed with those funds shall be used by the applicant only for the purpose for which the funds were requested and that no other use of the property shall be permitted except by specific act of the Legislature.

(b) No funds shall be disbursed unless the applicant agrees to maintain and operate the property to be acquired or developed for a period commensurate with the type of project and the proportion of state funds and local matching funds or property allocated to the capital costs of the project.

(c) No funds shall be disbursed unless the applicant agrees to make the property to be acquired or developed open to use by the public by a date specified in the agreement. That date shall not be more than three years after the date upon which the project was approved by the department pursuant to Section 5721. The department may grant a postponement of the specified date if the property is not or will not be open to use by the public by the specified date due to circumstances wholly beyond the control of the applicant. If the property is not open to use by the public by the date specified in the agreement, and any postponement thereof granted by the department, the grant funds shall be restored in full to the department and the applicant shall become ineligible to receive any further funds that may become available pursuant to this chapter. Any funds restored pursuant to this section shall be deposited in the fund and shall be available for appropriation pursuant to subdivision

(b) of Section 5711.

5724. Any grant made pursuant to this chapter, and the performance of the applicant in expending the grant, may be audited at any time by the department.

5725. Of the total funds available for appropriation pursuant to this chapter, an amount, not to exceed four hundred thousand dollars (\$400,000), may be appropriated for state administrative costs directly incurred in connection with this chapter.

Article 4. Fiscal Provisions

5730. Bonds in the total amount of one hundred million dollars (\$100,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

5731. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year, and it is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which shall be necessary to collect that additional sum.

5732. There is hereby appropriated from the General Fund, for the purpose of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as principal and interest become due and payable.

(b) The sum which is necessary to carry out the provisions of Section 5733, appropriated without regard to fiscal years.

5733. For the purposes of carrying out this article, the Director of Finance may, pursuant to appropriate authority in each annual Budget Act, authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds for the purpose of carrying out this chapter. The money withdrawn from the General Fund shall be returned to the General Fund with interest at the rate earned by the money in the Pooled Money Investment Account during the time the money was

withdrawn from the General Fund pursuant to this section.

5734. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

5735. Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Community Parklands Program Finance Committee is hereby created. The committee consists of the Controller, the Director of Finance, and the Treasurer. For purposes of this chapter, the Community Parklands Program Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law, and the Treasurer shall serve as chairperson of the committee.

5736. All money deposited in the fund which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5737. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

5738. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

SEC. 2. Section 1 of this act shall become operative on July 1, 1986, if the voters, at the June 3, 1986, direct primary election, adopt the Community Parklands Act of 1986, as set forth in Section 1 of this act; except that only the funds available for appropriation for state administrative costs pursuant to Section 5725 of the Public Resources Code may be appropriated prior to the 1987-88 fiscal year.

SEC. 3. Notwithstanding Section 3525 of the Elections Code, if this act is adopted by the Legislature on or before January 29, 1986, Section 1 of this act shall be submitted to the voters at the June 3, 1986, direct primary election in accordance with provisions of the Government Code and the Elections Code governing submission of statewide measures to the voters at a statewide election.

SEC. 4. Notwithstanding any other provision of law, all ballots of the election shall have printed thereon and in a square thereof, the words "Community Parklands Act of 1986," and in the same square under those words, the following in eight-point type: "This act provides for a bond issue of one hundred million dollars

(\$100,000,000) to provide funds for acquiring, developing, improving, rehabilitating, or restoring urgently needed local and regional parks, beaches, recreational areas and facilities, and historical resources." Opposite the square, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act.

Where the voting in the election is done by means of voting machines used pursuant to law in the manner that carries out the intent of this section, the use of the voting machines and the expression of the voters' choice by means thereof are in compliance with this section.

SEC. 5. 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 the necessity are:

In order that the measure proposed by this act may be submitted to the voters at the June 3, 1986, direct primary election, it is necessary that this act take effect immediately.

APPENDIX B
APPLICATION AND PROJECT SUMMARY FORM

APPLICATION AND PROJECT SUMMARY FORM FOR FISCAL YEAR 1987/1988
 Anticipated Grant Requests for Fiscal Years 1988/89 and 1989/90

Community Parklands Act of 1986

Grant funds under this program are budgeted by agency, not individual project. The amount of grant funds to be appropriated to your agency each fiscal year will depend upon your estimate of the amount needed to complete acquisition or development for each of the projects you list. You may request your total program allocation in a single year or have it budgeted over a two or three-year period, as long as each individual project listed is \$20,000 or more. Please complete the following:

Name of Local Agency _____

Amount of Total Program Allocation \$ _____

Amount Requested for 1987/88 \$ _____

	<u>Project (Park) Name</u> (1987/88)	<u>Dollar Amount</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

Attach extra sheet if you are applying for more than ten projects.

1987/88 Total \$ _____

Intended Request for 1988/89 \$ _____

Intended Request for 1989/90 \$ _____

I have read and understand the assurances on the reverse side of this form.

Signed: _____
 (Authorized Representative of Agency)

 (Date)

ASSURANCES

1. The grant recipient hereby gives assurance and certifies with respect to the grant that:

It possesses legal authority to apply for the grant, and to finance, acquire and construct the proposed project; that a resolution, motion or similar action has been duly adopted as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It understands that grant funds must be appropriated by the State Legislature before costs can be incurred against the grant.
3. It will cause work on the project to be commenced within three years of appropriation and agrees to make the property to be acquired or developed open to use by the public by the DATE SPECIFIED IN THE AGREEMENT WHICH WILL NOT BE MORE THAN THREE YEARS AFTER THE DATE UPON WHICH THE PROJECT WAS APPROVED BY THE STATE.
4. It will provide and maintain competent and adequate architectural/engineering supervision and inspection at the construction site to insure that the completed work conforms with the plans and specifications; that it will furnish progress reports and such other information as the State may require.
5. It will give the State's authorized representative access to and the right to examine all records, books, papers or documents related to the grant.
6. It will not dispose of or encumber its title or other interests in the site and facilities without permission from the State Legislature.
7. For each individual project listed on the front of this form, it will submit appropriate California Environmental Quality Act documents, a project information form, cost estimates for development projects, an acquisition schedule for acquisition projects, site and location map and appropriate engineering and/or acquisition certifications. [This information must be submitted before grant funds are disbursed.]
8. In cases involving leased property, it agrees to maintain and operate the property and/or facilities acquired or developed for an agreed to period commensurate with the type of project and the proportion of State grant funds and local funds allocated to the capital costs of the project.

APPENDIX C
SAMPLE RESOLUTION

SAMPLE RESOLUTION

Resolution No: _____

RESOLUTION OF THE _____
(Title of Governing Body; i.e., City Council, Board of Supervisors)
Of _____ APPROVING THE APPLICATION FOR GRANT FUNDS
(City, County, District)
UNDER THE COMMUNITY PARKLANDS ACT OF 1986 for the following project(s).

(Attach separate sheet for additional projects)

WHEREAS, the people of the State of California have enacted the Community Parklands Act of 1986, which provides funds to the State of California and its political subdivisions for acquiring and developing facilities for public recreational and historical purposes; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the state, 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 application(s) before submission of said application(s) to the state; and

WHEREAS, said application(s) contain assurances that the applicant must comply with; and

WHEREAS, the applicant agency will enter into an agreement with the State of California for acquisition, development, rehabilitation or restoration of the project(s);

NOW, THEREFORE, BE IT RESOLVED that the _____ hereby:
(Title of Governing Body)

1. Approves the filing of an application for Community Parklands Act of 1986 state grant assistance for the above project(s); and
2. Certifies that said agency understands the assurances and certification in the application form; and
3. Certifies that said agency has or will have sufficient funds to operate and maintain the project(s); and
4. Certifies that said agency will complete the project(s) within three years from date of approval by the state; and
5. Appoints the _____ as agent of the
(Title - not name)
_____ to conduct all negotiations, execute and submit
(City, County, District)
all 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).

ATTEST: _____

APPENDIX D
INDIVIDUAL PROJECT INFORMATION FORM

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

COMMUNITY PARKLANDS ACT OF 1986

INDIVIDUAL PROJECT INFORMATION FORM

This Form and Required Attachments Must Be Submitted for Each Project Site

PROJECT NAME:

AMOUNT ASSIGNED TO THIS PROJECT \$ _____
(Min. Grant \$20,000)

THIS PROJECT IS FUNDED FROM THE
AGENCY'S 19 ____ - 19 ____ FY ALLOCATION

ESTIMATED TOTAL PROJECT COST \$ _____
(State Grant and other funds)

TOTAL FISCAL YEAR REQUEST \$ _____

AMOUNT AND SOURCE OF MATCHING \$ _____
(Land Acquisition Only)

GRANT RECIPIENT (Agency – address incl. zip code)

Project Location:

County

Nearest City

Address and Nearest Cross Street:

Grant Recipient's Representative Authorized in Resolution

(type) _____ () _____
Name Title Phone

Person with day-to-day responsibility for project (if different from authorized representative)

(type) _____ () _____
Name Title Phone

Brief description of work to be done.

For Dev. projects Land Tenure – Project is: _____ acres:

_____ Acres owned in fee simple by Grant Recipient

_____ Acres available under a _____ year lease

_____ Acres other interest (explain) _____

For Acquisition projects Project land will be _____ acres

_____ acquired in fee simple by Grant Recipient

_____ acquired in other than fee simple (explain)

I certify that the information contained in this project information form, including required attachments, is accurate and that I have read and understand the important information and assurances on the reverse of this form. If this project is for acquisition, I further certify 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 funds or property in the required amount from a non-state source. The source and amount are shown above.

Signed _____ Date _____
Grant Recipient's Authorized Representative as Shown in Resolution

I certify that this project is consistent with the park and recreation plan of the above agency.

Signed _____ Date _____
Representative of Grant Recipient's Planning Agency

IMPORTANT

Before you incur costs against the grant, the funds must be appropriated by the Legislature. All State requirements must be met and an agreement signed before any funds will be disbursed.

An audit may be performed before or after final payment.

An Application for grant funds consists of the following:

PART I

1. _____ One copy of a resolution from your governing body in proper format authorizing application for each fiscal year request.
2. _____ One copy of the Application and Project Summary Form for each fiscal year's request.

PART II

For each project listed on the Application and Project Summary form, the following is required:

1. _____ One copy of a completed information form signed by the person authorized in your resolution and by the representative of your planning agency.
2. _____ One copy of an Environmental Impact Report or Negative Declaration with State Clearing-house comments and a copy of Notice of Determination showing County Clerk's stamps or, if applicable, a copy of the Notice of Exemption if the project is categorically exempt or the reason why CEQA does not apply.
3. _____ If property to be developed is not owned in fee, evidence of adequate land tenure. (Copies of leases, joint powers agreements, permits, etc.)
4. _____ Cost estimate for development.
5. _____ Acquisition schedule for acquisition projects only.
6. _____ Site and location map(s).

APPENDIX E
STATE/LOCAL PROJECT AGREEMENT
AND PROVISIONS

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

AGREEMENT FOR _____ GRANT PROJECT(S)
(Fiscal Year)

COMMUNITY PARKLANDS ACT OF 1986

GRANT RECIPIENT _____

THE PROJECT PERFORMANCE PERIOD is from the Date of Appropriation to three years from the Date of Approval of this agreement by the State as shown below.

The Grant Recipient agrees to complete the project(s) as described in the project application(s) under the terms and conditions of this agreement, and the State of California, acting through its Director of Parks and Recreation pursuant to the Community Parklands Act of 1986, agrees to fund the project(s) up to the total state grant amount indicated.

THIS GRANT IS FOR THE ACQUISITION AND/OR DEVELOPMENT, REHABILITATION OF LANDS AND/OR FACILITIES FOR RECREATIONAL AND/OR HISTORICAL PURPOSES WITHIN THE GRANT RECIPIENTS' JURISDICTION.

Total State Grant not to exceed \$ _____

Grant Recipient

The General Provisions attached are made a part of and are incorporated into the Agreement.

By _____
Signature of Authorized Representative

Title _____

Date _____

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

By _____

Title _____

Date _____

Date of Approval _____

CERTIFICATION OF FUNDING

CONTRACT NUMBER		FUND COMMUNITY PARKLANDS FUND OF 1986			
PROJECT NO.	AMOUNT OF THIS ESTIMATE	APPROPRIATION			
UNENCUMBERED BALANCE	ITEM	CHAPTER	STATUTES	FISCAL YEAR	
\$					
ADJ. INCREASING ENCUMBRANCE		FUNCTION			
\$					
ADJ. DECREASING ENCUMBRANCE		LINE ITEM ALLOTMENT			
\$					
I hereby certify upon my own personal knowledge that budgeted funds are available for this encumbrance.			T.B.A. No.	B.R. No.	
SIGNATURE OF ACCOUNTING OFFICER			DATE		

COMMUNITY PARKLANDS ACT OF 1986

Project Agreement Special Provisions

General Provisions

- A. This contract incorporates by reference the application submitted by the Grant Recipient for the grant funds shown on Page 1 in fiscal year _____.
- B. 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 Community Parklands Act of 1986.
 3. The term "Project" as used herein means the project(s) described in the application(s) for grant funds.
 4. The term "Grant Recipient" as used herein means the party described as Grant Recipient on Page 1 of this agreement.
- C. Eligible Facilities
- The grant funds authorized for the program may be expended by the Grant Recipient for any of the following purposes or any combination thereof:
1. The rehabilitation, improvement, or restoration of deteriorated roads, utilities, and other structures and facilities within existing parks and recreational areas.
 2. Neighborhood, community, and regional parks.
 3. Beaches and public accessways to beaches.
 4. Historical sites and structures.
 5. Recreational areas and facilities.
 6. Hiking, bicycling, and equestrian trails.
 7. Development rights and scenic easements in connection with any acquisition made for any purpose specified in subdivisions (2) to (6), inclusive, so long as the right or easement directly enhances the enjoyment or usefulness of the acquisition.
- D. Acquisition
1. Grants that are wholly or partially for the acquisition of real property shall be made on the basis of 75 percent State funds and 25 percent local matching funds or property donated to be part of the project. 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, matching funds or property in the required amount from a nonstate source. Certification of the source and amount or value shall be set forth in the application.
- E. Project Execution
1. Subject to the availability of grant moneys in the Act, the State hereby grants to the Grant Recipient a sum of money (grant moneys) not to exceed the amount stated on Page 1 in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the Project(s) Application(s) and under the terms and conditions set forth in this agreement.

Grant Recipient agrees to assume any obligation to furnish any additional funds that may be necessary to complete the Project(s). Any modification or alteration in the Project(s) as set forth in the application(s) on file with the State must be submitted to the State for approval.
 2. The Grant Recipient agrees to complete the Project(s) in accordance with the time of project performance set forth on Page 1, and under the terms and conditions of this agreement.
 3. If the Project(s) includes development, the Certification for Development Projects form must be submitted to the State before construction.
 4. The Grant Recipient shall permit periodic site visits by the State to determine if development work is in accordance with the agreement, including a final inspection upon Project completion.
 5. Grant Recipient in acquiring real property, the eligible 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.
 6. Grant Recipient agrees to furnish State the Acquisition Certification Form before finalizing acquisition.

F. Grant Fund Disbursements

The Grant moneys to be provided Grant Recipient under this agreement may be disbursed as follows:

1. If the Project includes acquisition of real property, the State may disburse to Grant Recipient the grant moneys as follows, but not to exceed in any event the State grant amount set forth on Page 1 of this agreement.
 - a. When acquisition is through negotiated purchase, State may disburse the amount of the State approved purchase price together with State approved costs of acquisition.
 - b. When acquisition is through proceedings in eminent domain, State may disburse the amount of the total award as provided for in the final order of condemnation together with State approved costs of acquisition.
 - c. In the event Grant Recipient abandons such eminent domain proceedings, Grant Recipient agrees to bear all costs in connection therewith and that no grant moneys shall be disbursed for such costs.
2. State may disburse up to 90% of the State grant amount set forth on Page 1 of this agreement upon full execution of the agreement for each individual project when the project is ready to commence.
3. The Grant Recipient shall use any moneys advanced by the State under the terms of this agreement solely for the Project(s) described in the application(s) submitted for grant funds.
4. If grant moneys are advanced, the Grant Recipient should 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 60 days of completion of the Project(s) or end of the Project performance period, whichever is earlier.
5. If the Project includes development, after completion of the Project(s) or any phase or unit thereof, State may disburse to Grant Recipient upon receipt and approval by State of the payment request form showing incurred costs from Grant Recipient, the amount of such incurred costs shown on such statement, not to exceed the State grant amount to the extent of such statement. State may disburse up to 100% of the State grant amount allocated for development for each individual project, but will retain up to 10% of the total grant amount shown on Page 1 of this agreement until the project or projects are complete.

No more than 20% of the grant amount allocated to an individual project may be used for non-construction costs. Indirect costs are not eligible.

G. Project Administration

1. The Grant Recipient shall promptly submit reports as the State may request.
2. Income earned by the Grant Recipient from a State approved non-recreational use on a grant project(s) shall be used for recreational purposes at the grant project(s) or, if approved by the State, for recreational purposes within the Grant Recipient's jurisdiction.

H. Project Termination

1. The Grant Recipient may unilaterally rescind this agreement at any time prior to the commencement of a Project. After Project commencement this agreement may be rescinded, modified or amended by mutual agreement in writing.
2. Failure by the Grant Recipient 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 Grant Recipient 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 Grant Recipient. 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 Grant Recipient with the terms of this agreement, is the preservation, protection and net increase in the quantity and quality of beaches, parks, public recreation facilities and historical resources 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 Grant Recipient agrees that payment by the Grant Recipient 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 Grant Recipient of this agreement. The Grant Recipient further agrees therefore, that the appropriate remedy in the event of a breach by the Grant Recipient of this agreement shall be the specific performance of this agreement.

I. Hold Harmless

1. Grant Recipient 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 State, its officers, agents, and employees.

2. Grant Recipient shall indemnify, hold harmless and defend 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(s) 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 State, its officers, agents, or employees.
3. In the event State is named as codefendant under the provisions of Government Code Section 895 at seq., the Grant Recipient shall notify State of such fact and shall represent State in the legal action unless State undertakes to represent itself as codefendant in such legal action in which event State shall bear its own litigation costs, expenses, and attorney's fees.
4. In the event of judgment entered against State and Grant Recipient because of the concurrent negligence of State and Grant Recipient, 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.

J. Financial Records

1. The Grant Recipient 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 Grant Recipient 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. Grant Recipient shall maintain and make available for inspection by State accurate records of all of its costs, disbursements and receipts with respect to its activities under this agreement.

2. The Grant Recipient may use any generally accepted accounting system.

K. Use of Facilities

1. Any property acquired or developed with grant moneys under this agreement shall be used by the Grant Recipient 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.
2. The Grant Recipient agrees to maintain and operate the property acquired or developed for a period commensurate with the type of Project and the proportion of State Grant funds and local funds allocated to the capital costs of the project.

L. Nondiscrimination

1. The Grant Recipient 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 Grant Recipient 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.
3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this project agreement.

APPENDIX F
CERTIFICATION FOR DEVELOPMENT PROJECTS

COMMUNITY PARKLANDS ACT OF 1986

CERTIFICATION FOR DEVELOPMENT PROJECTS

I hereby certify to the following:

1. All work done by contract shall be done by legal contract awarded in conformity with all applicable State, federal and local laws and regulations.
2. That all work done by other than formal, competitive bid shall be done in conformity with all applicable State, federal and local laws and regulations.
3. That a building permit shall be secured for all work normally requiring a building permit and that work shall be properly inspected by the appropriate building officials or their representatives.
4. That all work shall be done in a safe, secure manner in full compliance with all applicable health, safety, building, plumbing, electrical, mechanical, solar and energy codes and regulations.
5. That all work shall be in compliance with the requirements of the handicapped accessibility laws and regulations of the State of California.
6. That any structure on school property shall be given approval of the Office of State Architect as required by law.
7. That any contractor hired by contract shall be licensed by the State of California to perform the type of work he was hired to do and shall be so licensed at the time he did the work.
8. That any plans for work on any swimming pool shall be approved by the appropriate public health officials.
9. That any work on a recognized historical structure or area shall be done in accordance with the Secretary of the Interior's Standards for Rehabilitation.
10. That the signatory is either:
 - a. A licensed civil or structural engineer or licensed architect whose State of California registration number is _____ or who is registered in the State of _____ as a _____ and whose registration number is _____; or

b. The official in charge of the work, whose name and title are _____ and that the work did not involve any structure other than a wood frame building of no more than two stories and a basement in height and a retaining wall of no more than 4 feet in height and that no beam or truss spanned a distance of greater than 24 feet and that no structure was constructed on school property and that no dam of over 10 feet height or holding more than 10 acre-feet of water was constructed.

A. Signature _____ Date _____
Title _____
Professional Registration _____
Name (Printed) _____

B. Signature _____ Date _____
Title _____
(Official Authorized in Resolution) _____
Name (Printed) _____

APPENDIX G

CERTIFICATION FOR ACQUISITION PROJECTS

COMMUNITY PARKLANDS ACT OF 1986
CERTIFICATION FOR ACQUISITION PROJECTS

I _____ certify that acquisition(s) of
(Authorized Representative)
project lands will be in compliance with Government Code Sections
7260 through 7266 (relocation assistance) and 7267 through 7274
(acquisition procedures).

Signature

Date

Typed Name

APPENDIX H
PAYMENT REQUEST FORM

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

PAYMENT REQUEST
State Grant Programs

1. Check Box for Appropriate Grant Program (Do Not Combine Two or More Programs or Projects on One Request)

- | | | |
|--|--|--|
| <input type="checkbox"/> Roberti-Z'berg-Harris Urban Grant Program | <input type="checkbox"/> 1980 Bond Act | <input type="checkbox"/> 1986 Bond Act |
| <input type="checkbox"/> 1976 Bond Act | <input type="checkbox"/> 1984 Bond Act | <input type="checkbox"/> Other |

2. All the Information Needed for the Next Four Lines is Shown on Your Agreement

Project Title _____

Grant Recipient _____

Project Number _____ DPR Contract Number _____

Item _____

3. Payment Request Number _____ Advance () Reimbursement () Final ()

4. Total Project Expenditures to Date

A. Acquisition

B. Development

- (1) Real Property \$ _____
- (2) Relocation \$ _____
- (3) Other \$ _____
- (4) Total \$ _____

- (1) Consultant Services \$ _____
- (2) Contracts \$ _____
- (3) Labor \$ _____
- (4) Materials and Supplies \$ _____
- (5) Equipment Rentals \$ _____
- (6) Other \$ _____
- (7) Total \$ _____

5. Payment Request	(a) Total Grant Amount	\$ _____
	(b) Grant Funds Received to Date	\$ _____
	(c) Remaining (a minus b)	\$ _____
	(d) AMOUNT OF THIS PAYMENT REQUEST	<div style="border: 1px solid black; width: 150px; height: 20px;"></div>

6. Remaining Grant Funds after this Payment \$ _____

7. Make Warrant Payable to: _____

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.

(Signed Name – Must be Person Authorized in Resolution)	(Title)	Date
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Approved for Payment:

(Signed) State Department of Parks and Recreation	Date
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INSTRUCTIONS FOR COMPLETING PAYMENT REQUEST

The following instructions are keyed to corresponding items in the Payment Request Form:

1. Check appropriate box.
2. Project Title – **Identical** with that shown on the project agreement front page. For 1986 Bond Act, the name on the Application and Project Summary Form.

Grant Recipient – As shown on the project agreement

Project Number – Upper right hand corner of agreement. For 1986 Bond Act, the number assigned by the State to the project(s) on the Application and Project Summary Form.

DPR Contract Number – Upper left portion of Certification of Funding section on bottom on third of project agreement

Item in the middle of the Certification of Funding section on the project agreement

3. Payment requests should be numbered in order for each project (1-2-3 etc.) Check advance for all payment requests except the final payment.
4. List expenditures to date.
5. (a) Shown on agreement. For 1986 Bond Act, that amount estimated for this project.
(b) total of amount(s) already received. For 1986 Bond Act, amount received for this project.
(c) (a minus b)
(d) Amount you are requesting. For 1986 Bond Act, requesting for this project.
6. (c minus d).
7. Name, title, jurisdiction, and address that check is to be mailed to.

Certification – This must be signed by the person authorized in the resolution passed by the applicant's governing body.

APPENDIX I
SUPPORT MATERIAL FOR FINAL PAYMENT

Support Material For Final Payment

Send four copies of payment request, DPR 212, (Appendix H, pg. 22) signed by person authorized in application resolution.

Have Available for the State Auditors:

1. Description of completed project, including parcel numbers acquired and/or facilities developed by contract and/or force account.
2. Summary of all project costs, include:
 - a. Warrant numbers
 - b. Amount of warrants
 - c. Date of warrants
 - d. Recipients of warrants
 - e. Purpose of expenditures
3. Summary of force account labor costs, including employee name & no., job title, no. hours worked, dates, amount with fringe benefits, work performed.
4. Summary of equipment costs, including type of equipment, license no., no. hours used, dates, amount, work performed.
5. List all sources of funds including all other grants for above expenditures. Include amounts, sources, purposes, dates received.
6. Copy of Award of Contract for each contract, showing date awarded, name of contractor and contract amount.
7. Notice of Completion and acceptance of contract for each contract.
8. Amount of interest earned on advanced grant payments.
9. Certification that final payments have been made on all expenditures and no other reimbursement has been or will be received for which payment is requested.
10. Grant deed, policy of title insurance and relocation costs, if applicable, for acquisition projects.

