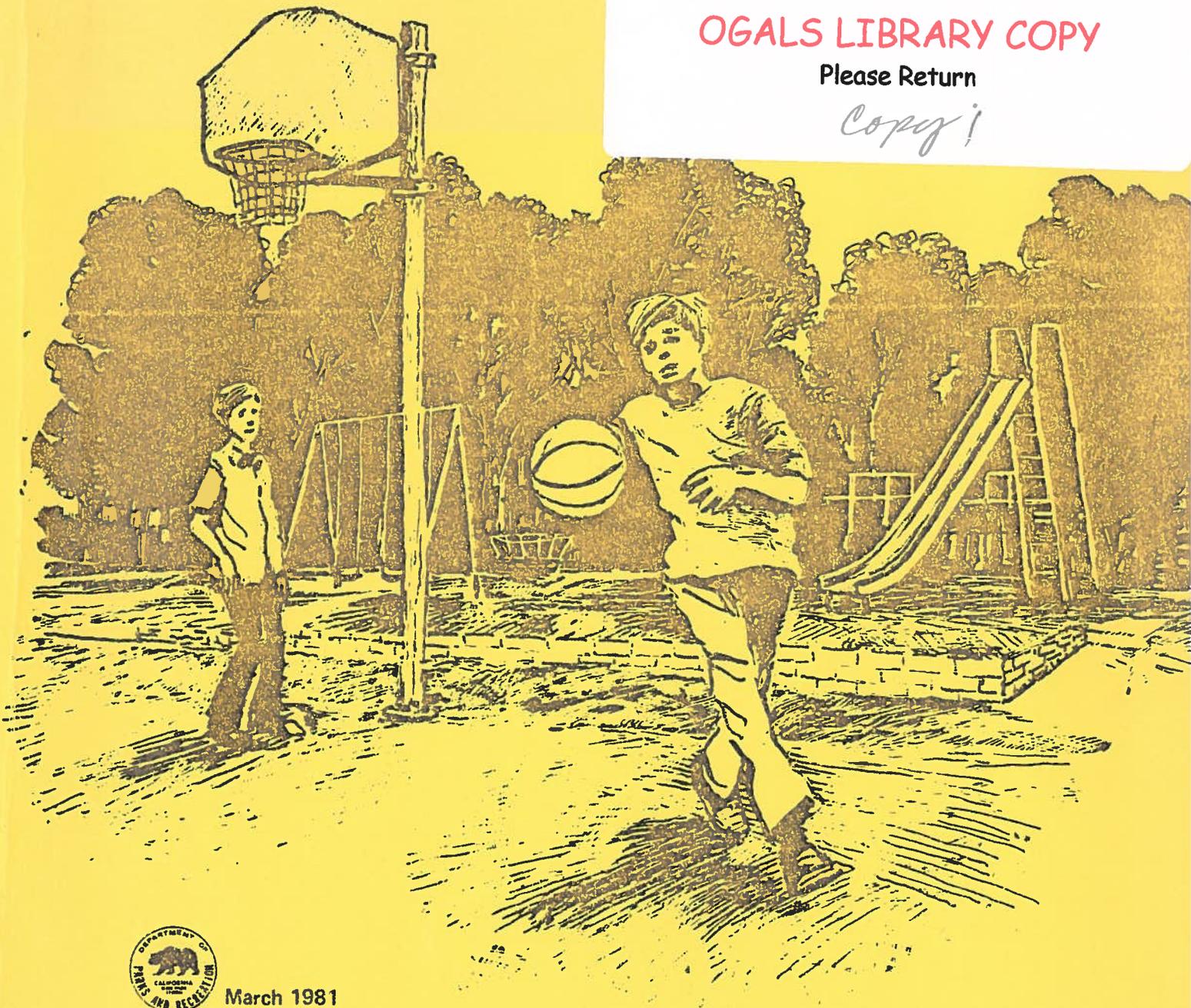


ROBERTI-Z'BERG URBAN OPEN SPACE AND RECREATION PROGRAM

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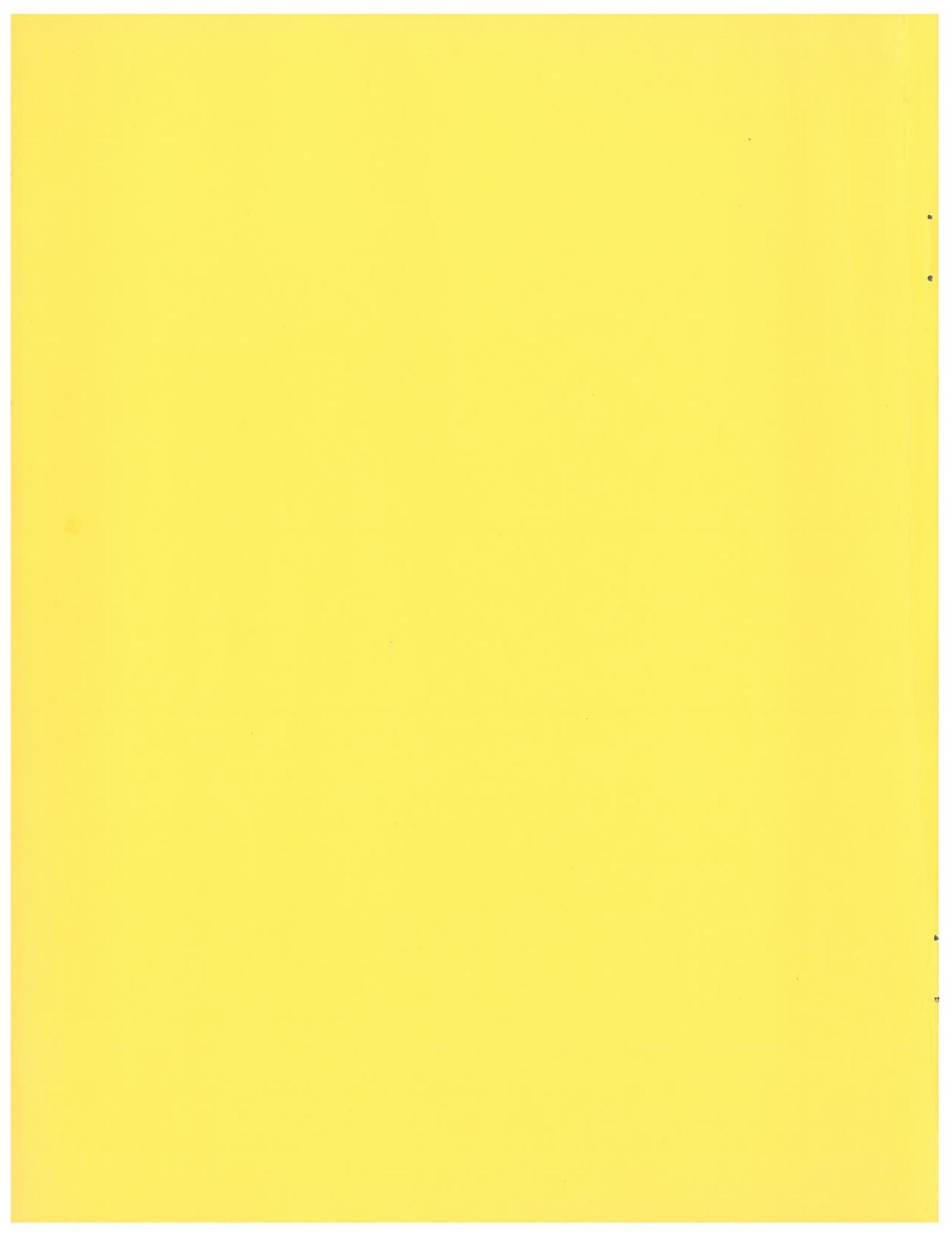
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March 1981

State of California - The Resources Agency
DEPARTMENT OF PARKS & RECREATION

PROCEDURAL GUIDE AND PROGRAM CRITERIA



Procedural Guide
And
Program Criteria
For The
ROBERTI-Z'BERG URBAN OPEN SPACE
AND
RECREATION PROGRAM

March 1981

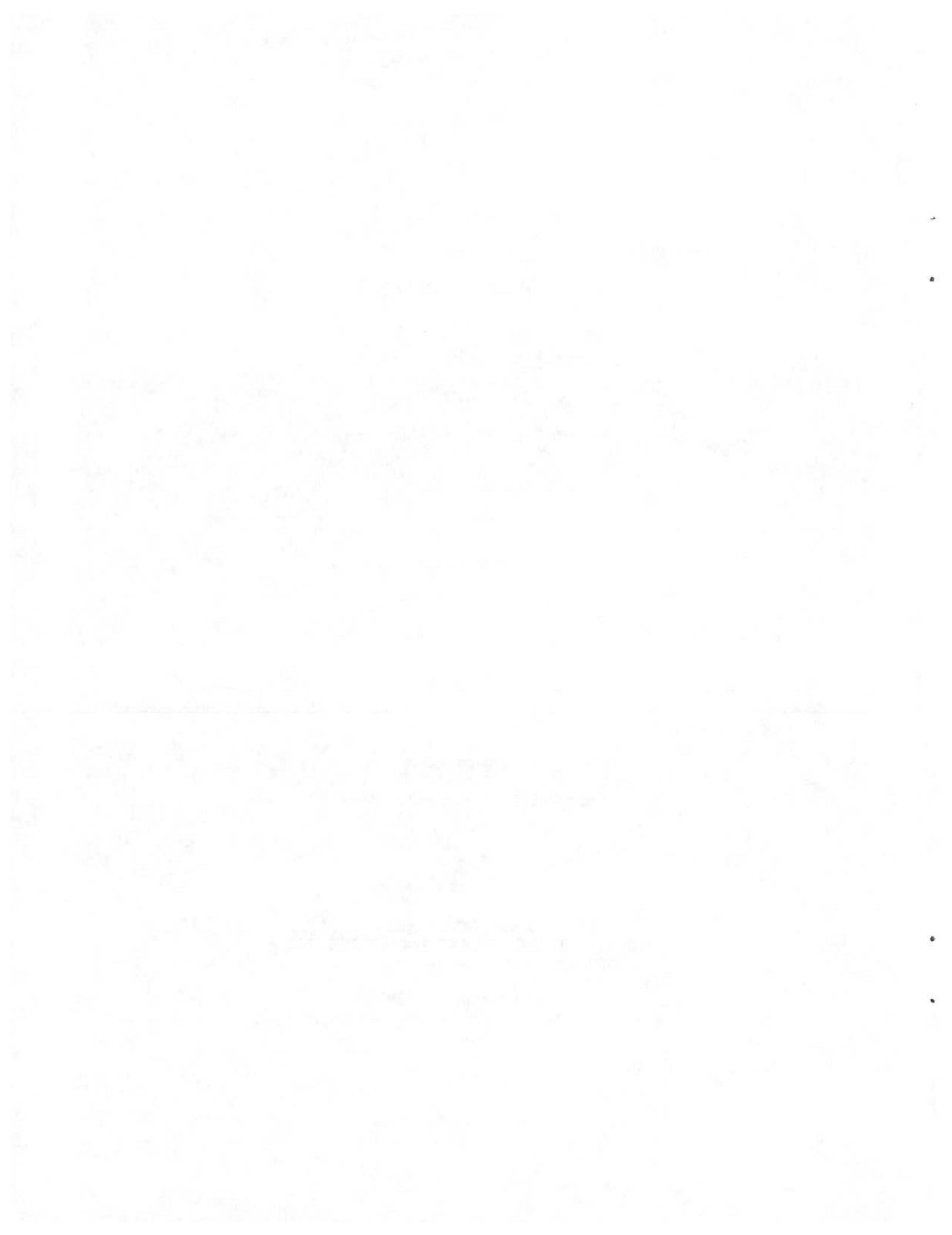
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State of California

Huey D. Johnson
Secretary for Resources

Pete Dangermond, Jr.
Director
Department of Parks and Recreation

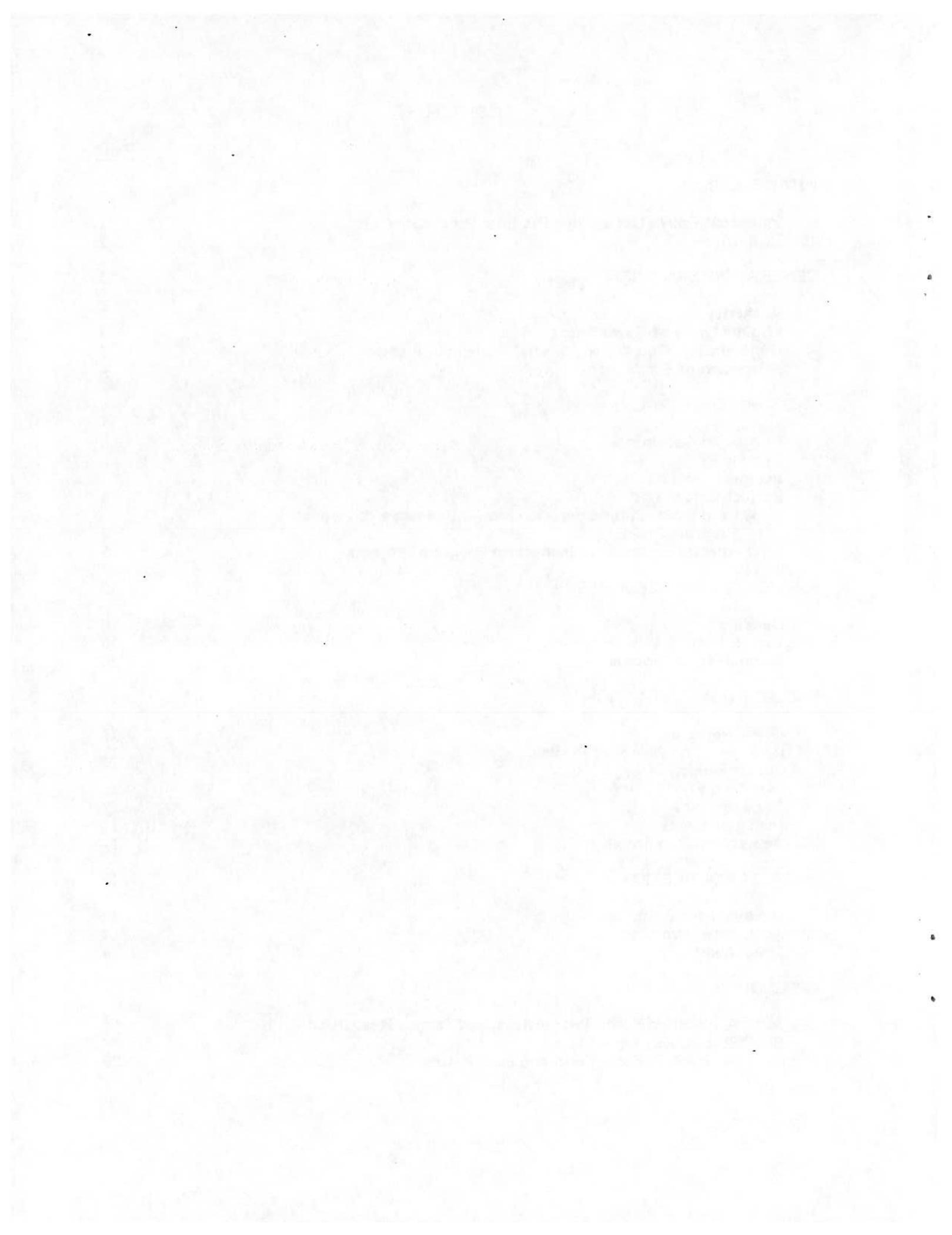


State of California
DEPARTMENT OF PARKS AND RECREATION
Office of Recreation and Local Services
P.O. Box 2390
Sacramento, CA 95811



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INTRODUCTION

This Procedural Guide 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 supercedes the February 1977 guide, and contains information on the program, application and billing procedures, and the criteria that determine an acceptable project.

The Urban Open Space and Recreation Program provides grants to cities, counties, and park and recreation districts for acquisition and development of park and recreation areas in the more heavily populated areas of the state. Twenty-three percent of need basis and block grant money appropriated through the General Fund or the Energy Resources Fund may be expended by the recipient for operation and maintenance of recreational lands and facilities that were acquired or developed with Roberti-Z'berg Program money, or for innovative recreational programs. Also, an additional two percent may be expended for innovative recreational programs for the disabled. Funds appropriated under the California Parklands Bond Act of 1980 shall be used only for acquisition and development.

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

Each January, 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. Contact the Office of Recreation and Local Services of the Department of Parks and Recreation if there are questions.
2. This is a matching grant program. The state will provide 75 percent, and the applicant must provide 25 percent of the allowable project costs.
3. Matching funds must be from a non-state source.
4. All applications shall contain evidence that the applicant agency has complied with the California Environmental Quality Act of 1970.
5. 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.
6. Project expenditures incurred after the date of fund appropriation become eligible if the application is ultimately approved. NO expenditures incurred before the date of appropriation will be reimbursed.
7. Application for funds must be made within one year of appropriation.
8. No funds are disbursed until an agreement is signed by the state.
9. Ninety percent of the grant may be advanced on DPR approval of the project.
10. An annual status report must be submitted by the applicant indicating project progress.

11. The project must be started within three years from the date of approval by the state, and completed within five years from the date of appropriation.
12. An audit will be performed before final payment.
13. Continuance of this program will depend on subsequent legislative enactment.

Definitions

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

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

"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; and the Malaga County Water District exercising powers authorized under Section 31133 of the Water Code.

"Urbanized area" consists of a central city or cities and surrounding closely settled territory, 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. "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 Department of Parks and Recreation in cooperation with the Department of Finance, on the basis of the most recent verifiable census data.

"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, 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.

"Nonurbanized area" means any city, county, or district that does not qualify as an urbanized area or urbanized county under the definitions set forth in subdivision (c) of Section 5621 of the Public Resources Code."

Block grant - means allocation of money on a per-capita basis to an applicant in an urbanized area for one or more projects for acquisition and development of recreation lands and facilities, and for operation, maintenance, or innovative programs, except for grant money appropriated under provisions of the Parklands Bond Act of 1980.

Need basis grant - means allocation of money for acquisition or development of recreation lands and facilities in urbanized and non-urbanized areas on a project-by-project basis, as determined by need, and for operation and maintenance or innovative programs, except for grant money appropriated under provisions of the Parklands Bond Act of 1980.

GENERAL INFORMATION

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

State Department of Parks and Recreation
Recreation and Local Services Office
P.O. Box 2390
Sacramento, CA 95811
Telephone: (916) 445-4441

At present, the Recreation and Local Services Office administers four state grant programs and one federal grant program. Day-to-day administration of individual projects is the responsibility of a project officer who is assigned a specific geographic area of the state, based on county boundaries. Correspondence and inquiries about this and other grant programs should be addressed to the above office.

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 that will help meet urban recreation needs. Authority to provide such funds is contained in the Public Resources Code Chapter 160, Statutes of 1976, as amended.

Eligible Units of Government

Any city, county, or special district that qualifies under the act, and 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

Official allocation of the block grant funds to each city, county, and eligible special district is based on population 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. Allocations to individual cities, counties, and districts are available from the Department of Parks and Recreation.

The need basis grants are allocated on a statewide competitive basis.

* The \$30 million authorized in the California Parklands Act of 1980 can be used for acquisition and development only. Unless otherwise indicated, a percentage of normal budget appropriations or special appropriations can be used for operation and maintenance and innovative projects.

Allocation of Funds

Sixty-nine percent for annual block grants to urbanized areas:

- (a) Sixty percent for cities and recreation and park districts in urbanized areas.
- (b) Forty percent for urbanized counties and regional park districts.

Fourteen percent for annual block grants to heavily urbanized areas:

- (a) Sixty percent for large cities.
- (b) Forty percent for large counties and regional park districts.

Seventeen percent for annual need basis grants (project-by-project, competitive):

- (a) Eighty-eight percent for nonurbanized portions of the state.
- (b) Twelve percent for urbanized portions, excluding heavily urbanized jurisdictions.

PROGRAM CRITERIA

The primary intent of this program is to provide recreation opportunities to meet the needs of urban residents. The secondary intent, representing 17 percent of the available funding, is to provide funding support to recreation agencies in nonurbanized areas that 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.
2. Projects must conform to the recreation element of the applicable city or county general plan.
3. Projects must be in or immediately adjacent to the most heavily populated areas of each jurisdiction.
4. Projects must be directed toward providing for the most urgent and unmet needs of 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 now 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 before acquiring new lands. Acquisition of readily accessible open space areas in 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 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 are 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 disabled, 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 lighting of fields or tennis courts to extend periods of use, construction of a swimming pool in a developed park to provide an additional recreation opportunity, or 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 to the general public for a substantial amount of time throughout the year. General public use for recreational purposes will be considered substantial if the facility is available after normal school hours, on 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.

Operation and Maintenance

Most regular costs, except administrative equipment, are eligible (see Introduction). Ineligible equipment would include typewriters, adding machines, floor safes, desks, executive chairs, copy machines, etc.

Innovative Projects

Projects that involve new and imaginative techniques for meeting special recreational needs, or that appear to be particularly promising in terms of promoting self-sufficiency, personal development, and leadership skills of the elderly, handicapped, mentally retarded, and others who have special recreational requirements, are eligible (see Introduction).

Ineligible Projects

Historic Preservation

Projects that are essentially for 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 provisions, 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 and parking for other than recreation purposes.

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 acquisition and development of park and recreation facilities in urbanized areas are emphasized in this program. Project proposals immediately adjacent to urbanized areas that are in accordance with other project criteria may be considered eligible for funding. Projects serving urban recreation needs from outlying locations are normally considered inappropriate for this funding program.
2. Projects serving the highest population densities in 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 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.
7. Consideration will also be given to the impact of participants from outside the applicant's boundaries.

Funds available under the category of need basis grants will be divided, as specified in the act. Eight-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 will be considered.
 2. No jurisdiction will receive in excess of ten percent of the total grant funds available under this portion of the program for either an individual project or combination of projects submitted.
- B. Need basis grants to cities and districts in urbanized areas.
 1. Only projects in excess of \$10,000 of state grant funds 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 in urbanized areas.
 4. Consideration will be given to projects from 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 on the basis of the total number and dollar amount of applications received.

Additional Criteria for Operation and Maintenance or Innovative Program Projects

Need basis applications for operation and/or maintenance and innovative program projects will compete separately from applications for acquisition and/or development. All grants shall be used in a manner consistent with the urban grants criteria.

1. Grants for operation and/or maintenance projects may be applied only to sites funded under the Urban Grants Program for acquisition and/or development.
2. State funds for operation and/or maintenance will be available only to the extent that such costs are not compensated for by operating revenues.

3. Direct operation and/or maintenance of a site currently or previously funded under the Urban Grants Program will be eligible. Operation and/or maintenance expenditures are considered normal day-to-day costs in providing recreation opportunities to the general public. This may include direct costs for personnel, equipment, supplies, or materials. Administrative costs shall not be included.
4. Operation and/or maintenance projects shall emphasize basic services that are essential to the provision of recreation opportunities.
5. Applicants using grants for operation and/or maintenance must certify to the department that: 1) such funds will be used to supplement rather than supplant local operation and/or maintenance revenues, and 2) alternative methods to finance operation and maintenance of recreational land and facilities have been examined. Such certification may be made by the authorized representative of the applicant, in letter form.
6. Up to 23 percent of each jurisdiction's block grant allocation may be used for operation and/or maintenance purposes or innovative programs. Additionally, up to two percent of the allocation can be used for disabled or innovative recreation programs. The operation and/or maintenance or innovative programs portions of the grant, however, must be treated as a separate project in the overall application.
7. Need basis applications for operation and/or maintenance grants or innovative programs must be submitted separately from applications for acquisition and/or development, although they may occur at the same site. Need basis grant applications will be divided into those for operation and/or maintenance or innovative programs and those for acquisition and/or development.

Applications in these two categories will be evaluated separately, and grants will be awarded on the basis of the allocation formula and individual quality of projects within each group.

Supplemental Criteria for Innovative Program Projects

1. Projects must be within the intent of the urban grants legislation in terms of meeting the most urgent recreation needs of the most heavily populated areas.
2. Projects must conform to the definition of innovative program in the legislation, to wit: "innovative recreational programs means projects which involve new and imaginative techniques for meeting special recreational needs or that appear to be particularly promising in terms of promoting self-sufficiency, personal development, and leadership skills of the elderly, handicapped, mentally retarded, and others who have special recreational requirements."
3. Projects should include public participation in their conception and/or implementation.
4. To the extent possible, projects should employ energy conservation practices.
5. To the extent possible, projects should possess a potential for application on a broader base; i.e., they can apply to other forms of recreation or to other communities or population groups.

6. Projects should possess overall merit, particularly their feasibility potential for continuance and cost-effectiveness.
7. Expenditure of grant funds for innovative recreation programs is not limited to public recreational lands and facilities previously funded under this program.

Applications for innovative program grants, including those from jurisdictions applying for block grants, must address the first six points above in an attachment to the basic application.

APPLICATION PROCEDURES

Deadlines

Applications for block grants must be submitted within one year from the effective date of each act appropriating grant money.

Applications for need basis grants must be received by the deadline established annually by DPR, usually October 1 of the fiscal year the funds are appropriated.

Application

Submit one copy of each of the documents listed on the back of the application form (see Appendix A).

Normal Grant Process

1. Applicant competes and submits applications to the 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. Agreements are sent to applicant, who signs and returns four copies (Appendix A).
4. Approved agreements and payment requests are sent to applicant.
5. Applicant may submit payment request for an advance of 10 percent of grant amount to prepare construction plans and/or acquisition documents.
6. Applicant commences work or begins negotiations on project, and submits payment request for up to 90 percent of grant amount.
7. Applicant submits annual status reports.
8. Applicant notifies DPR of project completion, and requests payment of final 10 percent.
9. Project officer normally makes final project inspection.
10. DPR may perform an audit of completed project.
11. Based on audit approval and/or satisfactorily on-site inspection, DPR reimburses applicant for final 10 percent of grant amount.

PROJECT ADMINISTRATION

Grant Payment

On receipt of the initial payment request for an approved project, and when the agency is ready to begin work on the project, the department may advance 90 percent of the grant amount. The remaining 10 percent will usually be reimbursed to the applicant after completion of the project, receipt of the final payment request, and completion of a satisfactory state audit. The applicant has three years from approval of the application by the director of the State Department of Parks and Recreation to encumber the grant funds, or they shall revert to the State General Fund. Director approval of the application occurs when the director or an authorized representative signs the agreement.

Changes to an Approved Project

In the event an approved project cannot be completed, all grant funds advanced plus any accrued interest must be returned to the state. Substitution of projects may be acceptable under special circumstances, but must include adequate justification, and an amendment must be completed and approved for each substitution.

Minor modifications will be acceptable only with adequate justification, and an amendment must be completed and approved.

State approval is required before initiation of a substituted or amended project.

Status Report

The legislation requires that all grant recipients submit an annual status report on the progress of their grant project(s). The state will transmit to the grant recipients the report form, to be completed by them and returned as indicated.

Matching Funds

The minimum local match is 25 percent 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. The match can be calculated as one third of the grant amount.

Grants for acquisition shall be matched by money or property donated specifically for the acquisition project, or by services performed in the preacquisition 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 development grant application is approved by the state, and only for the amount actually paid if the property is acquired from another public agency.

Grants for operation, maintenance, or recreational programs may be matched by money, in-kind contributions (goods and services), force account, or donations that occur in the project period.

Eligible 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.

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. **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 that describe the work performed on the project. Overtime costs may be allowable under the applicant's established policy, provided 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.

2. **Consultant Services.** The costs of consultant services necessary for the project are allowable. Consultants must be paid by the customary or established method and rate of the applicant. 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 consultants.

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

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

4. **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 applicant. When supplies and materials are purchased with the intent 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 project may be claimed under the project.

5. Signs and Interpretive Aids. The cost of signs, display boards, or other minor interpretive aids relating to the project is allowable.
6. Construction. The cost of all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to completion of a structure or facilities, is allowable.
7. Acquisition. Costs incurred in acquisition of real property may include: the approved purchase price of the property, appraisals, surveys, preliminary title reports, escrow fees, and title insurance fees. Court costs in condemnation proceedings may be allowable.
8. Relocation Costs. Relocation costs are allowable for projects that result in 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. (The applicant must comply with the requirements of the Relocation Act, even though relocation costs are not claimed for reimbursement.)
9. Other Expenditures. In addition to the major categories of expenditures, reimbursements may be made for miscellaneous costs necessary for execution of the grant project. Some of these costs are:
 - a. Communications 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.
10. 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.

Ineligible Costs

The following shall not be considered allowable costs:

1. Bonus payments of any kind.
2. Charges for contingency reserves or other similar reserves.
3. 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.
4. Charges for deficits or overdrafts.
5. Taxes for which the applicant would not have been liable.
6. Interest expense.
7. Charges incurred contrary to the policies and practices of the applicant involved.

8. Damage judgments arising out of acquisition, construction, or equipping of a facility, whether determined by judicial process, arbitration, negotiation, or otherwise.
9. Services, materials, or equipment obtained under any other state program.
10. Cost of discounts not taken.
11. Travel claimed when no work time was claimed for the same period.
12. Unapproved contract cost overruns exceeding the allowable amount per the contract specifications.
13. Equipment such as typewriters, desks, copy machines, file cabinets, etc., that does not directly increase or improve recreational opportunities.

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. The system must also provide, or have the potential of providing, accounting data so the total project cost of each project can readily be determined.

PROJECT COMPLETION

Development Projects

After project development is complete, the following is submitted to the state:

1. Four ink-signed copies of the final payment request.
2. A statement by the authorized representative that final payment has been made (one copy).
3. Notice of completion and acceptance of work for each contract (one copy of each).
4. Summary of costs (one copy) showing appropriate warrant and invoice numbers.

Acquisition Projects

After acquisition is complete, four ink-signed copies of the final payment request are submitted. Copies of applicable acquisition documents such as appraisals, policies of title insurance, statements of just compensation, etc., need not be submitted unless requested.

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 state funds were granted. Projects may be audited at any time. The state may conduct 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 the terms of the agreement, and to verify that project expenditures were properly incurred and qualify under the program.

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, records, or the like, requested by the state auditor.

All project records will be retained by the applicant for a period not less than one year after the state audit or final disposition of any disputed audit findings.

I-6943D

APPENDIX A
APPLICATION FORM, INSTRUCTIONS,
AND
SAMPLE RESOLUTION

State of California -- The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
 ROBERTI-Z'BERG URBAN OPEN-SPACE AND RECREATION PROGRAM

Check One

Block Grant

Need Basis Grant

APPLICATION FOR LOCAL ASSISTANCE GRANT

Project Title: _____	Estimated Total Project Cost \$ _____ Amount of Grant Request \$ _____ Amount of Matching Funds \$ _____ Source of Matching Funds _____
Applicant (Agency -- address incl. zip code) _____ State Senate District No. _____ State Assembly District No. _____	Project Location: County _____ Nearest City _____ Address and Nearest Cross Street: _____
Applicants' 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) _____	
Description of Project (Brief)	
I certify that the information contained in this application, including required attachments, is accurate and that I have read and understand the important information and assurances on the reverse of this form.	
Signed _____ Applicant's Authorized Representative as Shown in Resolution	
_____ Date	
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))	
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)	
_____ Date	
for _____ Applicant	

IMPORTANT

Submit applications throughout year for Block Grants and as announced for Need Basis Grants. Before you can spend any of the grant —

1. The Legislature must appropriate funds
2. An application must be submitted to State
3. Caution — all state requirements must be met and an agreement signed before any funds will be disbursed.

An audit may be performed before final payment.

Needed for Application One Copy of Each of the Following

1. Application Form.
2. Authorizing Resolution from governing body.
3. Environmental Impact Report or Negative Declaration *and* a copy of the Notice of Determination; or, if applicable, a copy of the Notice of Exemption if the project is categorically exempt.
4. Project location map (city or county).
5. Acquisition map and acquisition schedule listing number of parcels, size and approximate date of acquisition and cost (acquisition projects).
6. Site plan and applicable development, operation and maintenance or innovative cost estimate (development projects).
7. Need Basis Grants for capital outlay, O & M or innovative programs must contain complete project justification following all the criteria for the applicable project grant request.

Assurances

The applicant 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 or passed 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.

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 approved plans and specifications; that it will furnish progress reports and such other information as the State may require.

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.

It will cause work on the project to be commenced within a reasonable time after receipt of notification from the State that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

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

For _____
(Project)

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 any applicable city or county general plan; and
6. Appoints the _____ as agent of the _____
(Title - not name)

_____ 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
City Council, Board of Supervisors, or District Board
call vote:

Ayes:

Noes:

Absent:

Clerk

APPENDIX B
STATE/LOCAL AGREEMENT

GRANT AGREEMENT

URBAN OPEN-SPACE AND RECREATION PROGRAM

APPLICANT _____ PROJECT NUMBER _____

PROJECT TITLE _____

Under the terms and conditions of this agreement, the applicant agrees to complete the project as described in the project description, and the State of California, acting through its Director of Parks and Recreation pursuant to the Roberti-Z'berg Urban Open Space and Recreation Program Act, (Public Resources Code Section 5620 ff) agrees to fund the project(s) up to the total state grant amount indicated.

PROJECT DESCRIPTION: (indicate acquisition or development)

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

Applicant _____

By _____
Signature of Authorized Representative

Title _____

Date _____

By _____

Title _____

Date _____

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

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

Date _____

CERTIFICATION OF FUNDING

CONTRACT NUMBER		FUND			
		GENERAL FUND			
AMOUNT OF THIS ESTIMATE	APPROPRIATION				
\$	URBAN GRANTS				
UNENCUMBERED BALANCE	ITEM	CHAPTER	STATUTES	FISCAL YEAR	
\$	FUNCTION				
ADJ. INCREASING ENCUMBRANCE	LINE ITEM ALLOTMENT				
\$					
ADJ. DECREASING ENCUMBRANCE	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	

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

Project Agreement
Special Provisions

General Provisions

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 project which is described on page 1 of this agreement.
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 on page 1 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 page 1 and under the terms and conditions set forth in this agreement.

Applicant agrees to furnish twenty-five (25) percent of the total cost of the Project and to assume any obligation to furnish 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. Applicant shall secure completion of the development work in accordance with the Description of Project on page 1 and under the terms and conditions of this agreement.
3. Applicant shall permit periodic site visits by the State to determine if development work is in accordance with the Description of Project on page 1 and under the terms and conditions of this agreement including a final inspection upon Project completion.
4. All significant deviations from the Project shall be submitted to the State for prior approval.
5. Applicant 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.

Applicant agrees to furnish upon request by State preliminary title reports respecting such real property or such other evidence of title which is determined to be sufficient by 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 State might interfere with the operation of the Project. In condemnation actions such title defects must be eliminated by the final judgment.

6. If the project includes development, the Applicant agrees to furnish the State a bid package or force account information, whichever is applicable, upon request by the State.

C. Project Performance Period

1. Applicant agrees to complete the project under the terms and conditions of this agreement.
2. Applicant may not take title to land or begin on-site construction until Project Performance Period begins.
3. The Project Performance Period shall begin upon Legislative appropriation of grant funds or upon date of certification by applicant's attorney, whichever is later.

4. Grant moneys shall be encumbered by the recipient of such moneys within three years of the date of approval by the Director of the California Department of Parks and Recreation of the application for such moneys. Any part of grant moneys not encumbered within the three-year period shall revert to the General Fund. The date of application approval is the date the Director or his authorized representative signs this agreement.

D. Project Costs

Up to ninety (90) percent of the total State grant amount for the Block grant or Need Basis grant to be provided the Applicant under this agreement shall be disbursed as follows:

1. Upon the State's execution of this agreement and submission of a Payment request by the Applicant.
2. Upon notification of completion of the Block grant or Need Basis grant project as described in the agreement or as modified and agreed to by the State.

State may perform a project completion inspection and may 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. 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 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.
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. 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.
5. If the project includes development, final payment may not be made until the project conforms substantially with this agreement and is a useable public recreation facility.

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.

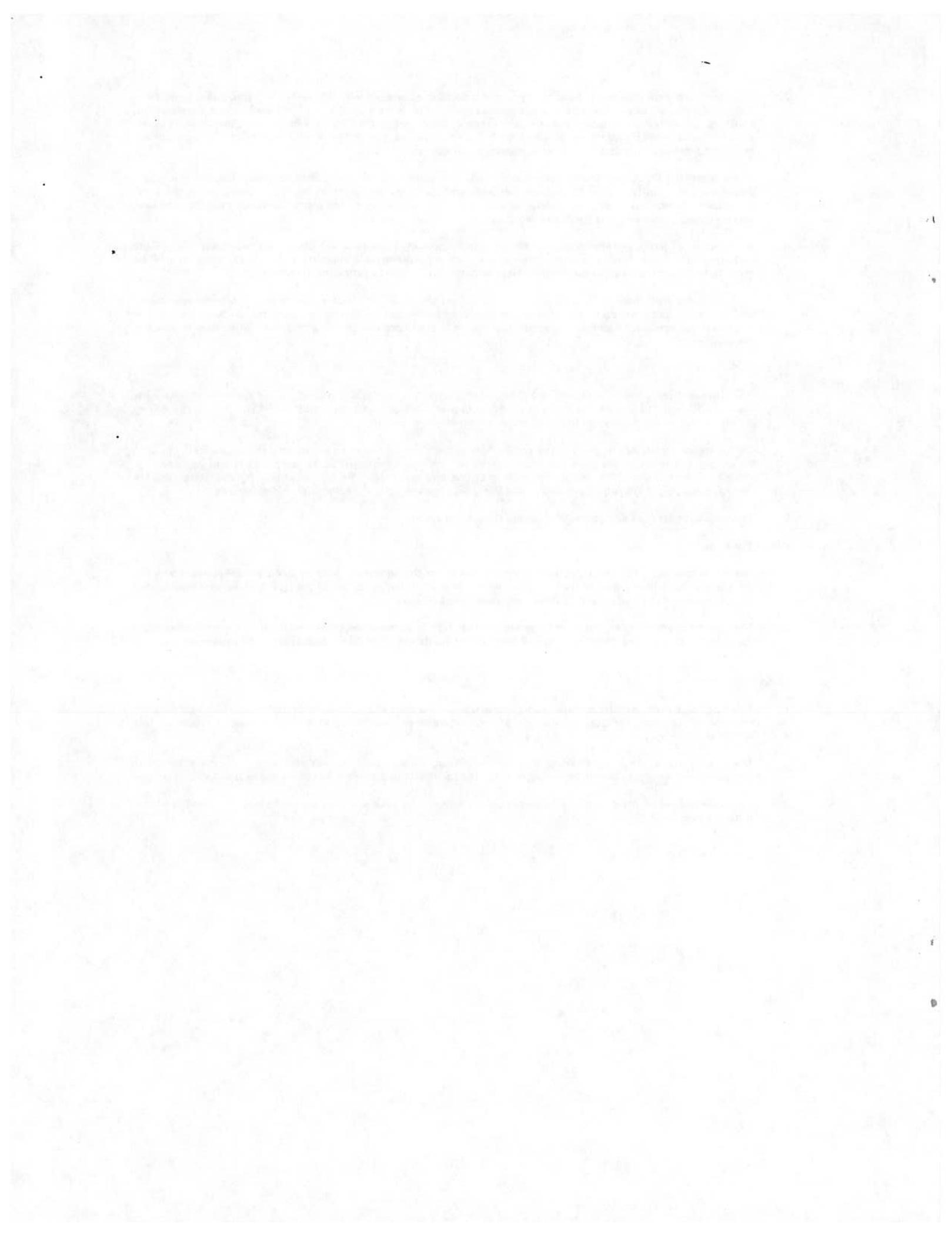
2. The Applicant may use any generally accepted accounting system.

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 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.

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



APPENDIX C

PAYMENT REQUEST FORM AND INSTRUCTIONS

Instructions for Completing Payment Request

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

1. Check appropriate box. Note: Check Urban Grant Program for all grants funded through this program, even though a \$30 million authorization was contained in the 1980 Bond Act.
2. Project Title - Identical with that shown on the project agreement.
Applicant - As shown on the project agreement.
Project Number - Upper right hand corner of the agreement.
DPR Contract Number - Upper left portion of Certification of Funding section on project agreement.
Items(s) - Directly under Appropriation in the Certification of Funding section on 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.
(b) Any amounts already received, from this grant only.
(c) a) minus b).
(d) Amount you are requesting.
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.

I-6943D

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)

() 1974 Bond Act () 1976 Bond Act
() Urban Grant Program (SB 174) () 1980 Bond Act

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

Project Title _____

Applicant _____

Project Number _____ DPR Contract Number _____

Item(s) _____

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

4. Total Project Expenditures to Date

A. Acquisition

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

B. Development

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

(a) Total Grant Amount \$ _____

(b) Grant Funds Received to Date \$ _____

(c) Remaining (a minus b) \$ _____

(d) AMOUNT OF THIS PAYMENT REQUEST

5. Payment Request

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 - must be person authorized in Resolution) (Title) (Date)

Approved for Payment:

(Signed) (Date)

State Department of Parks and Recreation

