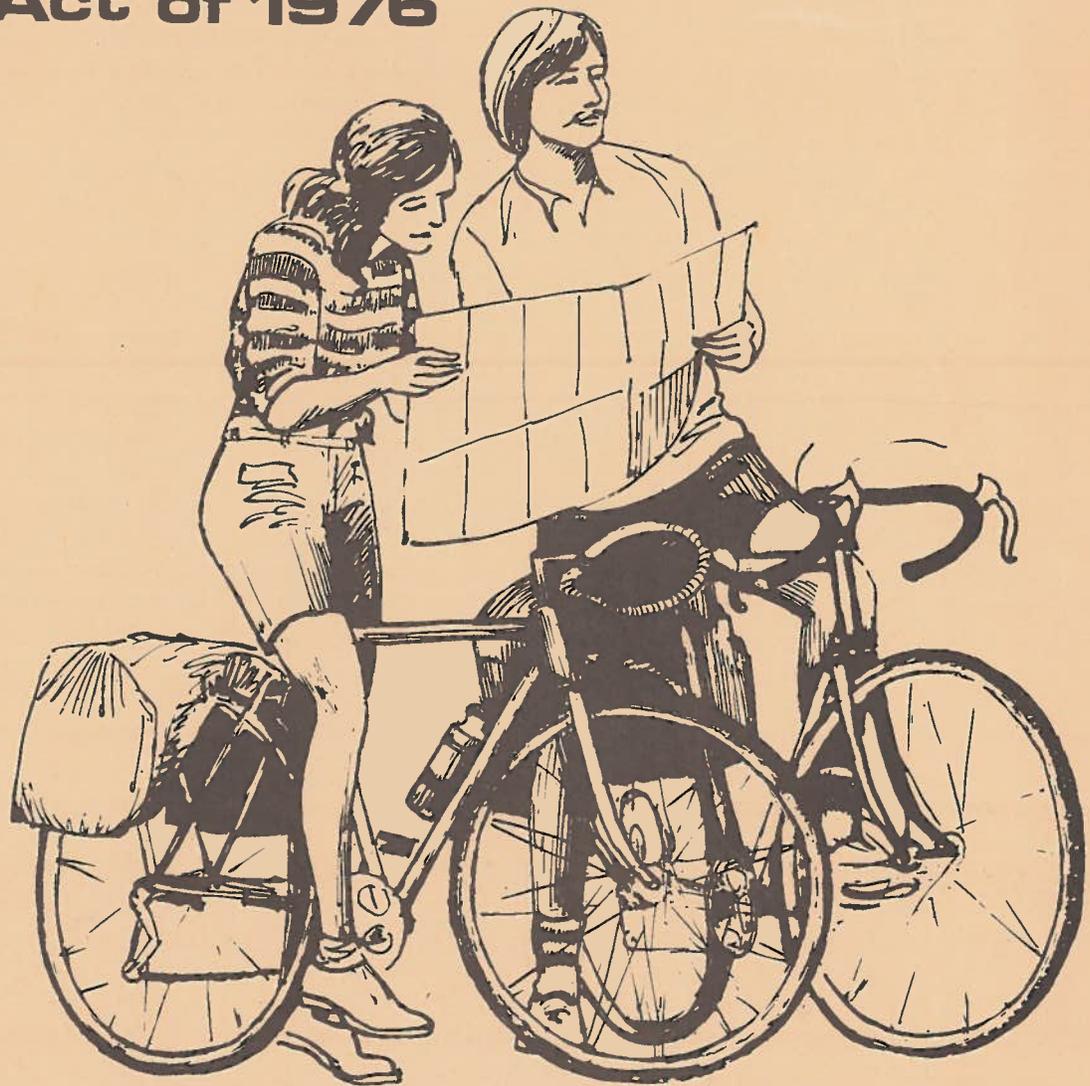
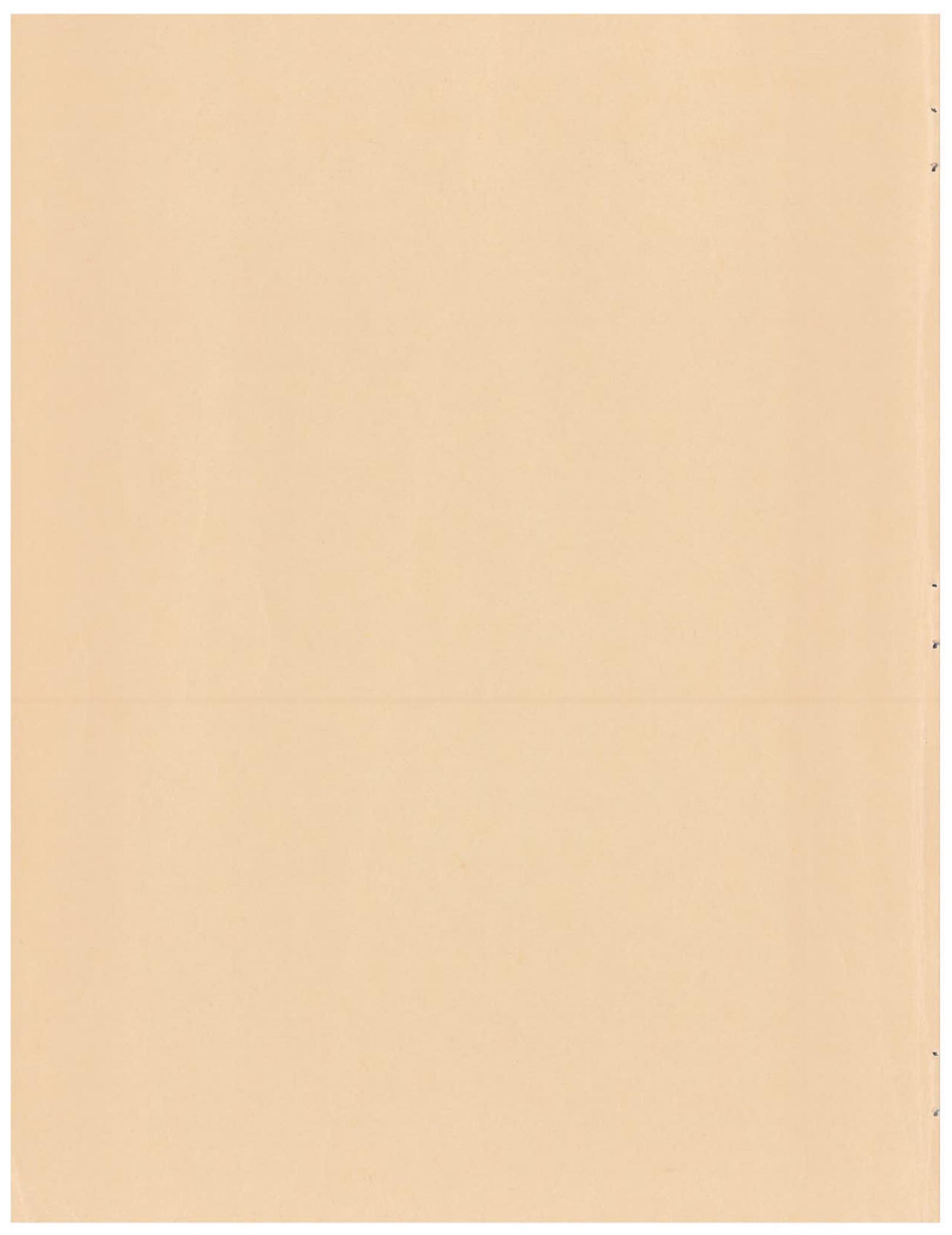


Procedural Guide For The  
**NEJEDLY-HART  
STATE, URBAN,  
AND COASTAL  
PARK**

**Bond Act of 1976**



September 1977  
State of California — The Resources Agency  
DEPARTMENT OF PARKS & RECREATION



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**for the**  
**NEJEDLY-HART STATE, URBAN, AND COASTAL PARK**  
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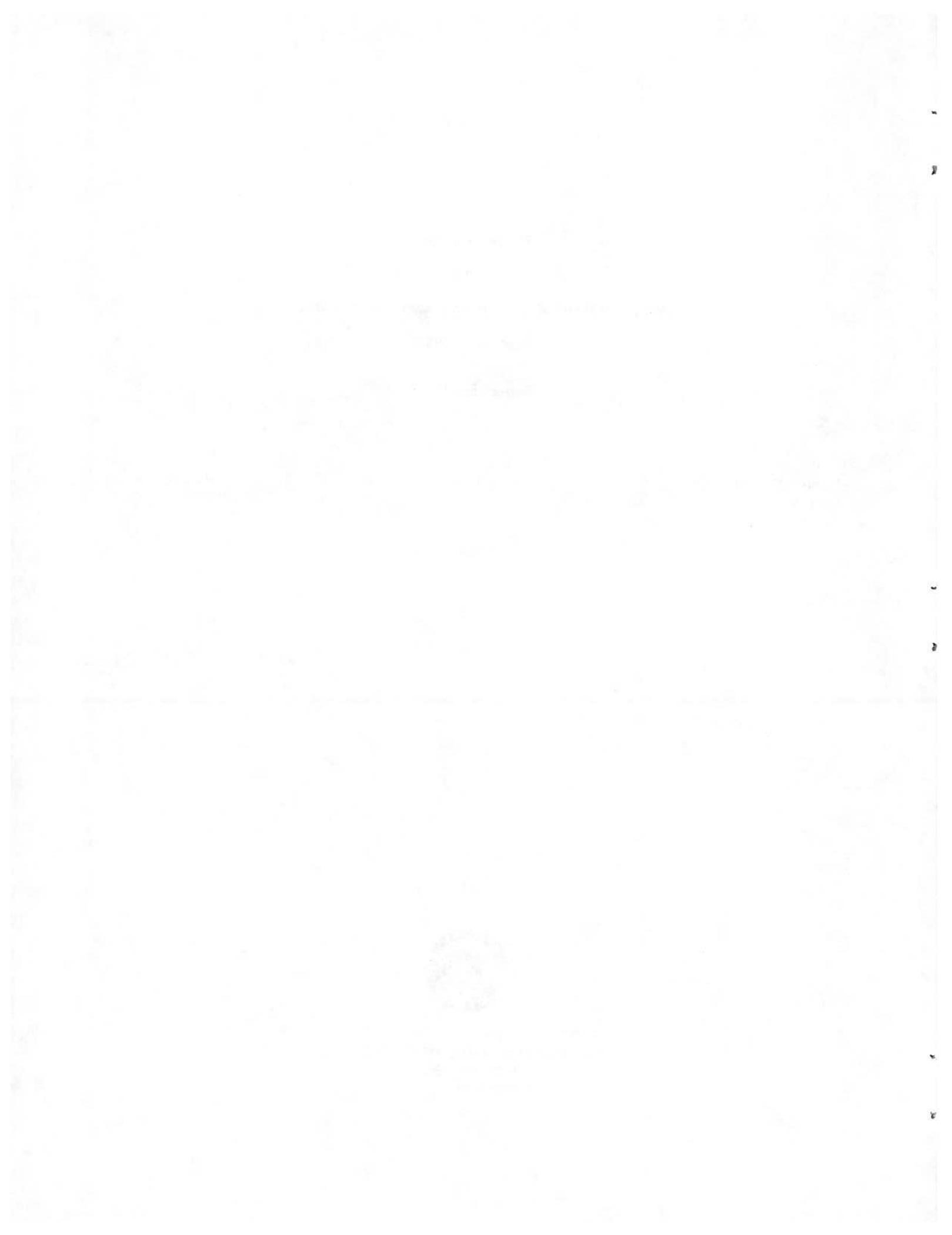
**Edmund G. Brown Jr.**  
**Governor**

**Huey D. Johnson**  
**Secretary for Resources**

**Russell W. Cahill**  
**Director**



State of California - The Resources Agency  
**DEPARTMENT OF PARKS AND RECREATION**  
P. O. Box 2390  
Sacramento, CA 95811



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## INTRODUCTION

This Procedural Guide will assist local government in applying for and administering state grant funds available under provisions of the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 (Appendix A). It contains information on the program, application and billing procedures, and the criteria for an acceptable project.

Chapter 1.68 (commencing with Section 5096.111), Division 5 of the Public Resources Code, in part, authorizes \$85,000,000 for grants to counties, cities, and districts (except school districts) for the acquisition, development, or restoration of real property for park, beach, recreational, and historical resources preservation purposes. These funds are allocated to counties based on population (Appendix B).

### Important Points Concerning Program Procedures

1. Contact the Office of Grants and Local Assistance of the Department of Parks and Recreation if there are questions.
2. No state grant funds shall be available for expenditure until an agreement between the State Department of Parks and Recreation and the applicant has been signed by both parties (Appendix C).
3. State approval of construction and/or acquisition documents is required.
4. The minimum grant request is \$10,000 for an individual project application.
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. Adequate tenure to the property is required for development projects. A twenty-five year nonrevocable lease or joint powers agreement must be submitted with the application if the land is not owned by the applicant.
7. Certification that the project is consistent with the park and recreation plan for the applicant's jurisdiction is required.
8. All applications shall contain evidence that the applicant agency has complied with the California Environmental Quality Act of 1970.

## 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  
Office of Grants and Local Assistance  
P. O. Box 2390  
Sacramento, CA 95811  
Telephone: (916) 445-1370  
(916) 445-4441

At the present time the Office of Grants and Local Assistance 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 geographical area of the state, based on county boundaries. Correspondence and inquiries about this and other grant programs should be addressed to the Office of Grants and Local Assistance.

### Eligible Units of Government

Any city, county, or special district (except school districts) whose authority permits acquisition, development, operation, and maintenance of public park or recreation areas; which has been allocated grant funds; and which meets all requirements of the Bond Act Grant Program, is eligible for a state grant.

### Official County Allocation

The official allocation to each county is based on estimated population as of July 1, 1980, as projected by the State Department of Finance, with no county receiving less than \$200,000 (Section 5096.127(b)). Individual county allocations are available from the Office of Grants and Local Assistance upon request.

### The Priority Plan for Expenditure

Each county shall develop and submit to the state a priority plan for expenditure (Section 5096.127(c)) of the county's allocation. The priority plan for expenditure must consist of a list of jurisdictions within the county which are to receive portions of the county allocation, and must include the dollar amounts allocated to each jurisdiction. The minimum amount an eligible jurisdiction must receive on the Priority Plan for Expenditure is \$10,000. Once a priority plan for expenditure is adopted by the county in accordance with Section 5096.127(c) of the act, it CANNOT be changed. Therefore, any allocation to an eligible jurisdiction of less than \$10,000 would revert to the state on July 1, 1983 (Section 5096.128), since this jurisdiction could not legally apply for a grant.

The state will accept a county's priority plan for expenditure when the county board of supervisors has certified by resolution that all eligible applicants have been consulted. (A sample resolution is available from the Office of Grants and Local Assistance upon request.) If it is determined by local authorities that one or more special districts are eligible recipients of grant funds, then all such special districts must be consulted, and the county board of supervisors must certify this to the state.

The deadline for submission to the state of each county's priority plan for expenditure is June 30, 1978. Thereafter, the county's original allocation will be reduced in accordance with Section 5096.127 of the Bond Act.

## PROGRAM CRITERIA

### Eligible Projects

Every attempt should be made to achieve the greatest ratio of recreation benefits to project costs. Upon completion, all grant projects must provide or support public recreation. The only exceptions are the acquisition or restoration of historic sites or structures. The following types of projects will be eligible for funding under this program.

#### Acquisition

Projects are eligible which call for acquisition of real property for parks, beaches, open space, historical resources, and for the purchase of development rights and scenic easements of such lands and resources.

#### Development

Development of a park is eligible, if the park meets an identifiable recreation need or provides recreation opportunities not presently available. 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

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 an indoor facility includes recreation and non-recreation features, facilities primarily for recreation use may be funded on a pro rata share of the entire development. When a facility is used part of the time for recreation and part of the time for non-recreation activities, pro rata funding may be given. Indoor facilities primarily for education purposes are not eligible for funding.

Indoor support facilities directly related to a recreation activity, such as a storage room for athletic equipment, are eligible; but facilities only marginally related to recreation purposes, such as administrative offices or a storage facility for building maintenance equipment, are not eligible for funding assistance. Generally, auditoriums are not eligible since they cater to business/promotional activities and are also used for semi-professional and professional cultural and athletic functions.

### 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 must 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 (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 and expanded recreation opportunities, are eligible. Rehabilitation may include improvement of inoperative, unsafe, or limited-use facilities. Improvements to provide additional use by handicapped, senior citizens, and other special groups are also eligible.

### Additions to Existing Units

Addition of lands or facilities to expand recreation opportunities at an existing park is eligible. Additions may include, for example, field or tennis court lighting to extend use, construction of a swimming pool in a developed park for additional recreation opportunity, or the acquisition of lands for new recreation activity.

### Joint Projects

Joint projects between two or more agencies are eligible. The applicant may combine its efforts and funds with a city, county or special district to provide expanded recreation opportunities (e.g., bike trails, park-school sites). In a joint project with a non-recreation agency, the proportion of grant funds to the total cost of the facilities should not be greater than the proportion of time the facilities will be made available to the public compared to the total useful time the facilities will be available. For instance, if grant funds were proposed to equal fifty percent of the total cost of the facilities, and if the facilities were generally useful for ten

hours a day or sixty hours per week, the facilities should be available to the public for five hours a day or thirty hours per week as the case may be, or simply for one-half the time the facilities are available for any use at all. Likewise, the total length of the term of the applicant's use should allow the development with grant funds to be fully amortized.

Note: For development, the land must be owned by, or subject to a long-term lease to, the applicant county, city, or district. Such lease shall be for a period of not less than twenty-five years from the date an application for a grant is made, and shall provide that it may not be revoked at will during such period (Section 5096.124). A twenty-five year, nonrevocable, joint powers agreement is acceptable.

### Ineligible Projects

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

Projects traditionally provided by private business or concessionaires are not eligible unless evidence is submitted that private business is not available and that the project will meet a measurable need.

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 (normally fifteen percent of the grant amount).

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

- highway and street beautification.
- recreation programs.
- recreation staff.
- normal maintenance and repair.
- maintenance equipment (trucks, mowers, shovels, etc.).
- parking for other than recreation purposes.
- non-fixed equipment and supplies (sports equipment, etc.).

### Time Limitations

When a project is approved by the Legislature, funds are available for encumbrance by agreement for three years. When the agreement between the State and Local Agency is signed, two additional years are available in which to complete the project. Projects that can be initiated and completed rapidly and made available for public use soon after legislative approval should be given highest priority by each local agency in selecting grant projects.

### Normal Grant Process

- A. A county submits priority plan for expenditure to the state.
- B. The state checks certification of the priority plan for expenditure.
- C. Eligible local agencies submit applications for individual projects by September 15 annually (to September 15, 1982).
- D. The state reviews the application and inspects the project.
- E. The state Department of Parks and Recreation submits the project name, agency, and the amount of grant requested to the Department of Finance for inclusion in the budget bill.
- F. The project is approved by the Legislature, and the budget bill signed is by the Governor on July 1 annually.
- G. The state signs an agreement with the applicant for each project.
- H. For acquisition projects, the applicant submits to the state acquisition documents for review by a land agent, to include appraisal, a preliminary title report, a map and legal description of the property, and a relocation plan if relocation is involved.
- I. For development projects, the participant submits plans, specifications, and cost estimate to the state for engineering review. (If work is to be done by a force account, a set of plans, a cost estimate, and a force account schedule are needed.)
- J. For development projects, the state may advance ten percent of the grant for preparation of plans and specifications and up to ninety percent for construction after approval of plans.
- K. The applicant requests final payment after the project's completion, and submits final acquisition or development documents to the state (pages 23 and 24 ).
- L. The state makes a final inspection of development projects.
- M. The state audits the applicant's records.
- N. The applicant is paid the grant balance remaining.

### APPLICATION PROCEDURES

The speed with which applications are processed depends largely on the accuracy and completeness of the applications. Experience indicates that delays in application processing and some rejections are the result of incomplete or inaccurate information in applications. Applications must include all required material and must be submitted on time to ensure adequate processing.

### When to Apply

Applications are due September 15 annually (to September 15, 1982).

### What to Submit

(See detailed instructions, p. 8 )

- (1) Two signed application forms.
- (2) Two copies of an authorizing resolution from the applicant's governing body.
- (3) Certification from the applicant's planning agency that the project is consistent with the park and recreation plan for the applicant's jurisdiction.
- (4) One copy of an Environmental Impact Report or a Negative Declaration, along with comments from the State Clearinghouse; a copy of the Notice of Determination; or, if applicable, a copy of the Notice of Exemption if the project is categorically exempt.
- (5) A project location map (city or county).
- (6) One copy of evidence of adequate land tenure if project lands are not owned in fee simple (twenty-five year lease, twenty-five year joint powers agreement).
- (7) One copy of an acquisition map (acquisition projects).
- (8) One copy of a site map (development projects).
- (9) One copy of an acquisition schedule (acquisition projects).
- (10) One copy of a cost estimate (development projects).
- (11) Indication of the amount, type, and source of funds above grant provided the by applicant.
- (12) One copy of a permit, or comments from the following, if applicable:
  - San Francisco Bay Conservation and Development Commission (BCDC)
  - Regional Coastal Commission
  - Corps of Engineers
- (13) One copy each of all leases, agreements, etc., affecting project lands or operation and maintenance.

Instructions for Completing the Items Listed  
Under "What to Submit"

The following detailed instructions are keyed to corresponding numbers (in parenthesis) in the section "What to Submit", page 7 .

(1) Application form instructions (See application form page 9 )

Project No.: Leave blank. Numbers are assigned by the Office of Grants and Local Assistance.

1. Enter the project title. Give the specific park name or area. Examples: Wild River Park; Falling Water Park. Do not name facilities to be developed in the title. Keep the title as short as possible.
2. Enter the total amount of the grant requested. The aggregate of grant requests must not exceed the agency's allocation in the priority plan for expenditure. The minimum grant request is \$10,000 (Section 5096.130(b)).
3. If the grant money is used in a larger project, show the estimated cost of the complete project.
4. Enter the name and mailing address of the grant recipient. Example:

City of Gold  
Department of Parks and Recreation  
1849 American River Dr.  
Gold, CA 94810
5. Enter the name of the county in which the agency making application is located. If the project is located in another county, indicate the project county in parenthesis -- for instance, Los Angeles (Mono). Enter the nearest city or town to the project. Briefly describe access so anyone can find it.
- 6., 7. Enter senate and assembly district numbers where project is located.
8. Type the name of the person authorized in the governing body's resolution to sign agreements, payment requests, and amendments. Usually this is the city manager or park director. See the last paragraph of sample resolution on page 13 . Show the area code as well as the phone number.
9. The applicant should assign a person as a contact for administration of the grant project. More than one person may be indicated. Show the area code and phone number.
10. Describe the scope of the project. The applicant will be bound by this description on the agreement after the grant is approved by the Legislature. Intended uses must be indicated in the project description, including uses between acquisition and full development.

State of California - The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
NEJEDLY-HART STATE, URBAN, AND COASTAL PARK BOND ACT OF 1976

APPLICATION FOR LOCAL ASSISTANCE GRANT

<p>1. Project Title: _____</p>	<p>2. Amount of Grant Requested \$ _____ (Min. Grant \$10,000)</p> <p>3. Estimated Total Project Cost \$ _____</p>
<p>4. Applicant (Agency - address incl. zip code)</p>	<p>5. Project Location:</p> <p>County _____</p> <p>Nearest City _____</p> <p>Describe Access to Project:</p>
<p>6. State Senate District No. _____</p> <p>7. State Assembly District No. _____</p>	
<p>8. Applicant's Representative Authorized in Resolution:</p> <p>(type) _____ ( ) (Name) (Title) (Phone)</p>	
<p>9. Person with day-to-day responsibility for project (if different from authorized representative)</p> <p>(type) _____ ( ) (Name) (Title) (Phone)</p>	
<p>10. Description of Project (Be Specific - You will be bound by this description on the agreement):</p>	
<p>11a. Land Tenure - Project land is: _____ acres:</p> <p>_____ owned in fee simple by applicant</p> <p>_____ available under a _____ year lease</p> <p>_____ Other interest (explain) _____</p>	<p>11b. Project land will be: _____ acres:</p> <p>_____ acquired in fee simple by applicant</p> <p>_____ acquired in other than fee simple (explain)</p>
<p>12. 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.</p>	
<p>Signed _____ Applicant's Authorized Representative</p>	<p>_____ Date</p>

**IMPORTANT**

Submit applications by September 15 of each year — each project must be a separate application.

Before you can spend any of the grant, you must —

- a. Have your project approved by the Legislature.
- b. SIGN AN AGREEMENT WITH THE STATE.

An audit will be performed before final payment.

**Needed for Application**

- 1. \_\_\_ 2 signed Application Forms
- 2. \_\_\_ 2 copies of Authorizing Resolution from governing body.
- 3. \_\_\_ Certification that project is consistent with applicant's park and recreation plan.
- 4. \_\_\_ 1 copy of Environmental Impact Report or Negative Declaration along with comments from the State Clearinghouse; and a copy of the Notice of Determination; or, if applicable, a copy of the Notice of Exemption if the project is categorically exempt.
- 5. \_\_\_ Project location map (city or county).
- 6. \_\_\_ 1 copy of evidence of adequate land tenure (25 year lease, grant deed, Policy T.I., etc.)
- 7. \_\_\_ 1 copy of Acquisition map (acquisition projects).
- 8. \_\_\_ 1 copy of Site map (development projects).
- 9. \_\_\_ 1 copy of Acquisition Schedule (acquisition projects).
- 10. \_\_\_ 1 copy of Cost Estimate (development projects).
- 11. \_\_\_ Indication of amount, type and source of funds above grant provided by applicant.
- 12. \_\_\_ 1 copy of permit or comments from the following, if applicable:
  - \_\_\_ San Francisco Bay Conservation and Development Commission (BCDC)
  - \_\_\_ Regional Coastal Zone Protection Commission
  - \_\_\_ Corps of Engineers
- 13. \_\_\_ 1 copy of all leases, agreements, etc., affecting project lands or operation and maintenance.

**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.

Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

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 operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable State and local agencies for the maintenance and operation of such facilities.

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.

It will not dispose of or encumber its title or other interests in the site and facilities without permission from the State Legislature.

It will comply where applicable with provisions of the California Environmental Quality Act and the California Relocation Assistance Act.

Use the following sample format:

Acquisition projects: This project proposes the purchase of 20 acres in three parcels of vacant land for a regional park five miles north of Williamsville. When developed, the park will provide opportunities for camping, picnicking, and equestrian activities. Relocation is not involved. The estimated date of development is September 1982. The area will probably be used for grazing before full development, with the gross income to be used for future development.

Development projects: This project involves the first phase of a three-phase, long-range program to bring the fifteen-acre Sandy Beach Park into maximum use in accord with the park's master plan. The project includes site preparation; demolition of an outmoded bathhouse; and development of roads and parking area, security lighting, picnic facilities, walkways and bikeways, interpretive facilities, a specially-designed model boat lagoon, outdoor shower pads, irrigation and domestic water systems, and utilities. The project is located adjacent to State Route 392, ten miles east of the City of Coconut Estates, Lincoln County.

If the project is to be completed in stages, describe the work to be accomplished during each stage. Identify the stage for which the grant is requested.

- 11a. For development projects, check the land tenure of project lands held by the applicant. Submit one copy each of leases, permits, and the like. Leases, permits, and joint powers agreements must be for a twenty-five year period from the date of the grant application, and may not be revocable at will. Give the acreage of the entire park.
- 11b. For acquisition projects, check the type of acquisition anticipated. Give the acreage of the entire park.
12. The person shown in Item 8 must sign and date the application.

(2) Authorizing resolution. Use sample resolution shown on page 13 .

(3) Planning certification

"The application shall be accompanied by a certification from the planning agency of the applicant that the project is consistent with the park and recreation plan for the applicant's jurisdiction" (Section 5096.130(a)).

The following sample paragraph may be used for the certification requirement.

"I, (name-type), hereby certify that the (project name) project is consistent with the park and recreation plan for (applicant agency).

Signed (Planning Director)

Those 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.

(4) Compliance with the California Environmental Quality Act of 1970

The applicant is encouraged to obtain a copy of Chapter 3, Division 6, Title 14, California Administrative Code, which sets guidelines for implementation of CEQA. Pursuant to these guidelines, the State Department of Parks and Recreation assumes responsibility for monitoring the grant applicant's compliance with the Environmental Quality Act.

The grant applicant (Lead Agency) determines if the project requires an Environmental Impact Report or a Negative Declaration, or is categorically exempt. If an EIR or Negative Declaration is required, the applicant must follow the applicable guidelines cited under (4) above. A Notice of Exemption may be submitted to the County Clerk.

The grant application submitted to the state must include:

a. One copy of the Final Environmental Impact Report, along with a letter from the State Clearinghouse and all review comments, plus one copy of the Notice of Determination

or

b. One copy of the Negative Declaration, along with a letter from the State Clearinghouse and all review comments, plus one copy of the Notice of Determination.

or

c. Notice of Exemption.

The State Department of Parks and Recreation (Responsible Agency) will determine the applicability of the action taken by the grant applicant.

**SAMPLE RESOLUTION**

Resolution No. \_\_\_\_\_

**RESOLUTION OF THE CITY (COUNTY, DISTRICT, ETC.) COUNCIL  
CITY OF \_\_\_\_\_**

**APPROVING THE APPLICATION FOR 1976 STATE GRANT MONEYS**

**\_\_\_\_\_ PROJECT**

WHEREAS, the people of the State of California have enacted the State, Urban, and Coastal Park Bond Act of 1976, which provides funds to the State of California and its political subdivisions for acquiring lands and for developing facilities for public recreation 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 applications prior to submission of said applications to the state; and

WHEREAS, said applications contain assurances that the applicant must comply with; and

WHEREAS, the applicant agency will enter into an agreement with the State of California for the acquisition and/or development of the project;

NOW, THEREFORE, BE IT RESOLVED that the city council hereby:

1. Approves the filing of an application for 1976 state grant assistance; and
2. Certifies that said agency understands the assurances in the application; and
3. Certifies that said agency has or will have sufficient funds to operate and maintain the project; and
4. Certifies that said agency has reviewed and understands the General Provisions contained in the sample state/local agreement; and
5. Appoints the (designate position, not person occupying position) \_\_\_\_\_ as agent of the city to conduct all negotiations, execute and submit 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.

(5) Project location map

Provide one copy of a county or city map showing the project location. Indicate the route of legal public access or describe a method of providing access.

(6) Land tenure

Provide one copy each of all leases, agreements, and permits affecting project lands or operation and maintenance of the project. The state must approve non-recreation uses.

(7) Acquisition map (acquisition projects only)

Provide one copy of a subdivision plot or boundary map showing the exterior boundaries of each parcel to be acquired.

(8) Site map (development projects only)

Provide a scaled site map showing the major facilities and exterior boundaries of the area to be developed with the grant.

(9) Acquisition schedule

Acquisition schedule  
(Sample)

Code*	Parcel No.	Acreage	Est. Date of acq.	Est. Value of land to be acquired	Est. value of imp. to be acquired	Relocation	Total est. cost
1	1	25.20	2/78	102,000	---	---	\$102,000
2	2	2.97	1/78	19,000	4,500	7,000	30,500
1	3	6.00	2/78	31,000	---	---	31,000
1	4	37.13	2/78	76,500	---	---	76,500
Administration of relocation program							1,000
Total acreage 71.30						Total	\$241,000

\*Code: 1: Negotiated purchase; 2: Condemnation

(10) 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	5,000
Engineering supervision of contractual construction	2,000
Total	<u>\$ 152,800</u>

(11) Additional funds

List local funding source if the project exceeds the grant amount.

(12) Comments from other agencies

If applicable, include comments and/or permits from the San Francisco Bay Conservation and Development Commission (BCDC) and a statement of compliance if the proposed project is located on or near the shoreline of San Francisco Bay; from the appropriate Regional Coastal Commission if the proposed project falls within the coastal zone (California Coastal Act of 1976); and from the Corps of Engineers, State Lands Commission, etc., as appropriate.

(13) Operation and maintenance

Submit copies of all current or proposed agreements for maintenance and operation of the project.

### State Project Inspections

The state may conduct pre-award inspections before qualifying a project application or project alteration to determine both project eligibility under provisions of the Bond Act and the adequacy of fiscal and administrative management practices and procedures as they relate to the execution of the proposed project. Periodic inspections may also be made during the project period.

### PROJECT ADMINISTRATION

During the first three fiscal years following approval of the project by the state legislature, the state grant funds must be encumbered. This is accomplished through execution of an agreement between the applicant and the State Department of Parks and Recreation. Funds for projects not encumbered revert to the originating fund. A resolution from the supervising authority approving execution of the agreement must be submitted with the executed agreement if it was not included in the resolution authorizing the application for the grant. The agreement will include clauses relating to the following (Appendix C):

1. Assumption by the applicant of all responsibility for operation and maintenance.
2. Agreement to provide and submit progress and expenditure reports.
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. A nondiscrimination clause.
7. Interest that accrues on advanced grant funds.

### 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. Preliminary project costs must be segregated, and fully supported and documented as being attributed to the project.

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

1. Preliminary costs. Preliminary project costs (e.g., site planning, appraisals, acquisition negotiations, etc.) incurred after the date the Director of the State Department of Parks and Recreation signs the agreement are eligible.
2. Personnel or employee services. Services of the applicant's employees directly engaged in project execution are eligible 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 supported by time and attendance records describing the work performed on the project. Overtime costs may be allowed under the applicant's established policy, provided the regular work time was devoted to the same project.

Salaries and wages claimed for employees working on state grant projects must not exceed the applicant'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 applicant.

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

4. 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, indicate the hours used, relate 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 upon completion.

5. Supplies and material. Supplies and/or materials may be purchased for a specific project or may be drawn from a central stock, providing they are claimed at a cost no higher than that paid by the applicant. When supplies and/or materials are purchased with the intention of constructing a piece of equipment, a structure, or a part of a structure, the cost may be charged as supplies and materials are capitalized, according to the applicant's normal practice or policy. If capitalized, only that cost reasonably attributable to the projects may be claimed under the project.

6. Signs and interpretive aids. The cost of signs, display boards, or other minor interpretive aids relating to the project is eligible.
7. Construction. The cost of all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a structure, is eligible.
8. Acquisition. Costs incurred in the acquisition of real property may include: the approved purchase price of the property, appraisals, surveys, preliminary title reports, escrow fees, title insurance fees, and court costs on condemnation. However, the costs for the services of an attorney in a condemnation action are not allowed.
9. Relocation costs. Relocation costs are allowable for those projects which result in the displacement of any person and/or business. The applicant must comply with the requirements of the Relocation Act even though relocation costs are not claimed for reimbursement.
10. Other expenditures. In addition to the major categories of expenditures, reimbursements may be made for miscellaneous costs necessary for the execution of the grant project. Some of these costs are:
  - a. Communication (such as telephone, telegrams, letters, etc.).
  - b. Premiums on hazard and liability insurance to cover personnel and/or property.
  - c. Work performed by another section or department of the applicant's agency.
  - d. Transportation costs for moving equipment and/or personnel.
11. Indirect costs. Costs that are attributable to direct labor and/or other costs may be allowed to the extent that they are customarily charged to other projects of the applicant, and are fairly allocated in accordance with generally accepted accounting principles.

#### Ineligible Costs

The following are not eligible costs:

1. Ceremonial expenses.
2. Expenses for publicity.
3. Bonus payments of any kind.

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

#### 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 potentially provide, accounting data so that the total cost of each project can be readily determined.

#### State Audit

At the completion of the project and receipt of the final payment request and completion documents, the state will 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.

If advances have been made, reimbursement of the final ten percent of the grant will be made after successful completion of the audit. The audit should be requested by the applicant with the final payment request only after all the project transactions have been completed and the necessary payments have been made.

To expedite the audit, the applicant 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 applicant 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 applicant for a period not less than three years after final payment by the state or three years after final disposition of the audit findings. Microfilm copies of the original records are acceptable.

#### Nonrecreational Interim Land Management Procedure

Property acquired with state grant moneys shall be used only for historical, public recreation, or open space purposes. Any property so acquired shall not be converted to other uses without specific approval of the legislature.

#### Income and Interest

Gross income that is earned by the applicant from nonrecreational uses of an acquisition project (e.g., rental from agricultural leases), after taking title, must be used by the applicant for recreation development and/or additional acquisition for that project.

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.

Any income-producing activity, especially the removal of timber or structures, the alteration of the land, or rental from leases, must be consistent with the intended recreation use and described in the application before legislative approval. If the income is to be used for future development, it should be placed in a separate interest-bearing account with the interest earnings also to be used for the development of the project.

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

If the gross income and earned interest are not used for additional acquisition and/or development for recreation purposes, 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 nonrecreation activity conducted on the land acquired and/or to be developed under this bond act.

If grant funds are advanced, the applicant is required to place such funds in a separate interest-bearing account and to set up and identify such an account before the advance. If grant funds advanced are not spent on the project, any unused portion of the grant or interest earned must be returned to the state.

#### Requirements for Development Projects

The following documents must be reviewed and approved by the State Department of Parks and Recreation:

1. For development projects constructed under contract, submit one set of construction drawings, bid documents, contract specifications, and itemized engineer's estimate of construction costs for each contract or phase of construction. Working drawings used for bid purposes are acceptable.
2. For development projects constructed by force account, submit one set of approved plans drawn to scale. Force account projects should also be accompanied by a construction schedule and a breakdown of costs. (See Appendix D.)

Following review of these documents, the applicant will be notified in writing whether they are adequate for state grant purposes.

The applicant shall secure completion of the work in accordance with the approved construction plans and specifications, and shall secure compliance with all applicable state and local laws, regulations, and ordinances.

The applicant shall permit periodic site visits by state personnel to ensure work progress in accordance with the approved project, including a final inspection upon project completion.

All significant deviations from the program agreement shall be submitted to the state in writing for approval. (See "Changes and Time Extensions to an Approved Project," page 22 .)

#### Requirements for Acquisition Projects

Property acquired under the state grant program created by the State, Beach, Park, Recreational and Historical Facilities Bond Act of 1974 must comply with provisions of Chapter 16, Sec. 7260 of Div. 7, Title 1 of Government Code and state regulations established by the Department of Parks and Recreation. This statute and state regulations provide for uniform relocation and acquisition procedures necessary in the acquisition of properties by any public entity.

State acquisition guidelines listing all requirements will be transmitted to applicants that have acquisition projects.

## Advances for Development and Acquisition Projects

After the legislature has approved the project and the grant agreements have been signed, up to ten percent of the total grant amount can be requested for specific project planning for development projects. Upon approval of the applicant's plans and specifications, up to ninety percent of the total grant can be requested. The applicant is expected to begin construction within a reasonable time following receipt of the advance.

Ten percent is withheld until the project has been completed and audited by the state.

Advances will be made only on condition that the moneys advanced are placed in a separate interest-bearing account. One account can be used for deposit of grant funds advanced for more than one project if each project is listed as a sub-account.

For acquisition projects, ninety percent of the grant can be advanced after the State has approved the applicant's acquisition documents and has received the escrow instructions or a court order requesting deposit of moneys. Such advance shall be placed immediately into escrow or deposited with the court.

### CHANGES AND TIME EXTENSIONS TO AN APPROVED PROJECT

Once grant funds have been appropriated by the state legislature for a specific grant project a change in the grant amount must be approved by the legislature through the budget process or special legislation. This process usually takes from 9 months to one year.

### Total Withdrawal from Program

If a jurisdiction allocated funds under the approved priority plan for expenditure fails to submit an application(s) for its allocated amount prior to the final cutoff date for projects to be included in the 1983/84 Fiscal Year Budget, or otherwise withdraws from the program or elects not to use its allocation, its unused allocation or balance will be lost to that jurisdiction and will be reappropriated in accordance with Section 5096.128 of the Public Resources Code.

### Modification of an Approved Project

A request for any changes in the project set forth in the approved project agreement must be submitted to the state for approval before final payment requests will be honored. Examples are: a change in acreage or boundary lines in an acquisition project; construction of a restroom instead of the 20 picnic sites stated in the project agreement for a development project; or changes in the grant amount.

### Withdrawal of an Approved Project

If an approved project or portion thereof is withdrawn from funding, the application for any substitute project shall be approved by the state legislature. Requests for changes must be received by September 15 of each year; the changes become effective the following July 1.

Follow these procedures for withdrawing all, or a portion of, an approved project and substituting another:

1. Contact the Office of Grants and Local Assistance and explain the circumstances necessitating withdrawal. Follow up with an explanation in writing.
2. Submit two ink-signed resolutions from the governing body withdrawing or changing the approved project and substituting another, giving the name of the new project in the resolution.
3. Submit the proper number of copies of a completely new application and attachments for the substitute project.

### Time Extension

A time-extension amendment to the approved project agreement is necessary if the project has not been completed within the Project Performance Period shown on the agreement. Four copies of the amendment, signed in ink by the applicant's authorized representative, must be transmitted to the state two months before expiration of the agreement. Contact the Office of Grants and Local Assistance for amendment forms and assistance.

### PROJECT COMPLETION

#### Completion of a Development Project

After project development is complete, the following is submitted to the state with four ink-signed copies of the final payment request:

1. A statement by the authorized representative that final payment has been made (one copy).
2. Notice of completion and acceptance of work for each contract (one copy of each).
3. Summary of costs (one copy).

#### Completion of an Acquisition Project

After acquisition is complete, four ink-signed copies of the final payment request are sent with the documents requested in the "State Guidelines for Acquisition Projects" which are made available to all applicants with acquisition projects.

## Instructions for Completing Payment Request

The following detailed instructions are keyed to corresponding items in the Payment Request form.

### Heading

The project title, project performance period, and number can be found in the project agreement. Requests should be numbered in order. In addition, the final request should be identified; i.e., final payment. The Budget item and DPR contract number can be found on the funding certification.

### State Grant Moneys

1. The amount specified in the project agreement.
2. Any amounts already received, from this grant only.
3. Total of 3a and 3b:
  - a. Amount already expended on this project that has not been previously reimbursed.
  - b. Amount requested for future project expenditures (development only).
4. Available Balance

### Total Project Expenditures to Date

For final payment, list all qualified expenditures and request reimbursement up to the grant amount.

1. Acquisition
  - a. Land and improvements (if any).
  - b. All costs involved in relocating property owners and tenants.
  - c. Incidental costs, such as appraiser's fees, title insurance fees, and the like (itemize).
2. Development
  - a. Costs of planning, either in-house or outside firm.
  - b. Payments to date to contractors.
  - c. through e. Force account expenditures to date.
  - f. Costs not in other categories (itemize).

NEJEDLY-HART STATE, URBAN, AND COASTAL PARK BOND ACT OF 1976  
(Public Resources Code Sections 5096.111 et seq.)

Payment Request

Project Title \_\_\_\_\_

Applicant \_\_\_\_\_ Project performance period \_\_\_\_\_

Project number \_\_\_\_\_ Payment request number \_\_\_\_\_

Budget item \_\_\_\_\_ DPR contract number \_\_\_\_\_

State Grant Moneys

- 1. Total grant \$ \_\_\_\_\_
- 2. Total grant funds received to date \$ \_\_\_\_\_
- 3. Total request for payment
  - a. Reimbursement \$ \_\_\_\_\_
  - b. Advance \$ \_\_\_\_\_
- 4. Available balance (1) less (2) less (3) = \$ \_\_\_\_\_

Total Project Expenditures to Date

- 1. Acquisition \$ \_\_\_\_\_
  - a. Real property \$ \_\_\_\_\_
  - b. Relocation \$ \_\_\_\_\_
  - c. Other \$ \_\_\_\_\_
- 2. Development \$ \_\_\_\_\_
  - a. Consultant services \$ \_\_\_\_\_
  - b. Contracts \$ \_\_\_\_\_
  - c. Labor \$ \_\_\_\_\_
  - d. Materials and supplies \$ \_\_\_\_\_
  - e. Equipment rentals \$ \_\_\_\_\_
  - f. Other \$ \_\_\_\_\_
- 3. Total project costs to date \$ \_\_\_\_\_

Make warrant payable to:

\_\_\_\_\_  
(Name) (Title)

Address: \_\_\_\_\_

Certification

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

Applicant's Authorized Representative

(Signed) \_\_\_\_\_ (Date) \_\_\_\_\_

Approved for Payment:

(Signed) \_\_\_\_\_ (Date) \_\_\_\_\_

Chief, Office of Grants and Local Assistance  
State Department of Parks and Recreation

3. This should include all costs, including those in excess of the approved grant.

The request should be signed by the applicant's authorized representative. However, the state controller's warrant can be made payable to a person other than the authorized representative, such as the treasurer of the local entity, if desired.

## APPENDIXES

### Page

- A -- Nejedly-Hart State, Urban, and Coastal Park  
Bond Act of 1976
- B -- County allocations
- C -- Example: state/applicant agreement
- D -- Example: Force Account Schedule for development  
projects



APPENDIX A

NEJEDLY-HART STATE, URBAN, AND COASTAL  
PARK BOND ACT OF 1976



Senate Bill No. 1321

CHAPTER 259

An act to add Chapter 1.68 (commencing with Section 5096.111) to Division 5 of the Public Resources Code, relating to financing of a program of acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of such funds; providing for the submission of the measure to a vote of the people at a special election to be consolidated with the 1976 general election; making an appropriation therefor; and declaring the urgency thereof, to take effect immediately.

(Approved by Governor June 24, 1976. Filed with Secretary of State June 24, 1976.)

LEGISLATIVE COUNSEL'S DIGEST

SB 1321, Nejedly. Park, beach, recreational, and historical resources: bond issue.

Under existing law, general state obligation bonds have been issued pursuant to the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 and pursuant to the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 to provide funds to acquire and establish state and local beaches, parks, recreational facilities, and historical resources.

This bill would enact the "Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$280,000,000 to provide funds to acquire, develop, and restore real property for state and local park, beach, recreational, and historical resources preservation purposes, as specified. The bill would provide for submission of the bond act to the voters at a special election to be consolidated with the 1976 general election, with the provisions of the bond act becoming operative January 1, 1977, if it is adopted by the voters at the special election.

The bill would appropriate \$100,000 to the Department of Parks and Recreation from the Bagley Conservation Fund for specified planning purposes.

The bill would take effect immediately as an urgency statute.

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

SECTION 1. Chapter 1.68 (commencing with Section 5096.111) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.68 Nedjedly-Hart State, Urban, and Coastal  
Park Bond Act of 1976

5096.111. This chapter shall be known and may be cited as the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976.

5096.112. The Legislature hereby finds and declares that:

(a) It is the responsibility of this state to provide and to encourage the provision of recreational opportunities for the citizens of California.

(b) It is the policy of the state to preserve, protect, and, where possible, to restore coastal resources which are of significant recreational or environmental importance for the enjoyment of present and future generations, of persons of all income levels, all ages, and all social groups.

(c) When there is proper planning and development, parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the state, and, therefore, it is in the public interest for the state to acquire, develop, and restore areas for recreation, conservation, and preservation and to aid local governments of the state in acquiring, developing, and restoring such areas as will contribute to the realization of the policy declared in this chapter.

5096.113. The Legislature further finds and declares that:

(a) The demand for parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects in California is far greater than what is presently available, with the number of people who cannot be accommodated at the area of their choice or any comparable area increasing rapidly.

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

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

(d) California's coast provides a great variety of recreational opportunities not found at inland sites; it is heavily used because the state's major urban areas lie, and 85 percent of the state's population lives, within 30 miles of the Pacific Ocean; a shortage of facilities for almost every popular coastal recreational activity exists; and there will be a

continuing high demand for popular coastal activities such as fishing, swimming, sightseeing, general beach use, camping, and day use. Funding for the acquisition of a number of key coastal sites is critical at this time, particularly in metropolitan areas where both the demand for and the deficiency of recreational facilities is greatest. Current development pressures in urbanized areas threaten to preclude public acquisition of these key remaining undeveloped coastal parcels unless these sites are acquired in the near future.

(e) Increasing and often conflicting pressures on limited coastal land and water areas, escalating costs for coastal land, and growing coastal recreational demand requires, as soon as possible, funding for, and the acquisition of, land and water areas needed to meet demands for coastal recreational opportunities and to implement recommendations for acquisitions of the Coastal Plan prepared and adopted in accordance with the requirements of the California Coastal Zone Conservation Act of 1972.

(f) By 1980, the need for local parks, beaches, and recreation areas and recreational facilities will be nearly twice as great as presently required.

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

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

(i) Past and currently funding programs have not and cannot meet present deficiencies.

(j) There is a pressing need to provide statutory authority and funding for a coordinated state program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and man-made coastal environments.

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

5096.114. Bonds in the total amount of two hundred eighty million dollars (\$280,000,000), 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 hereinafter, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. Said 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 are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

5096.115. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

5096.116. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

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

(b) Such sum as is necessary to carry out the provisions of Section 5096.117, which sum is appropriated without regard to fiscal years.

5096.117. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order 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 State, Urban, and Coastal Park Fund or the State Coastal Conservancy, which depositories are hereby created. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out the provisions of this chapter.

5096.118 The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy. The money in such depositories may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

5096.119. All proposed appropriations for the program specified in Section 5096.124 shall be included in a section in the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "Nejedly-Hart State, Urban, and Coastal Park Bond Act Program." The section shall contain separate items for each project for which an appropriation is made.

All proposed appropriations for purposes specified in Section 5096.125 shall be included in a section of the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "State Coastal Conservancy." The section shall contain separate items for each project for which an appropriation is made.

Such appropriations shall be subject to all limitations contained in the Budget Bill and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from such laws by a statute enacted by the Legislature. Such sections shall contain proposed appropriations only for the programs 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 such sections of the Budget Act.

5096.120. 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, Division 4, Title 2 of the Government Code) and all of the provisions of that law are applicable to the bonds and to this chapter, and are hereby incorporated in this chapter as though set forth in full herein.

5096.121. The State Park and Recreation Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Secretary of the Resources Agency. For the purposes of this chapter the State Park and Recreation Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law. The Secretary of the Resources Agency is hereby designated as "the board" for the purposes of this chapter and for the purposes of the State General Obligation Bond Law.

5096.122. All money deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy which is derived from premium and accrued interest on bonds sold shall be reserved in such depositories and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.123. As used in this chapter and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "State grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties, cities, and districts for acquisition, development, or restoration of real property for park, beach, recreational, and historical resources preservation purposes.

(b) "District" means any district authorized to provide park and recreation services, except a school district.

(c) "Historical resource" includes, but is not limited to, any building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(d) "Historical resources preservation project" is a project designed to preserve an historical resource which is either listed in the National Register of Historic Places or is registered as either a state historical landmark or point of historical interest pursuant to Section 5021.

(e) "Coastal recreational resources" means those land and water areas adjacent to or in close proximity to the Pacific Ocean which are suitable for public park, beach, or recreational purposes, including, but not limited to, areas of historical significance and areas of open space that complement park, beach, or recreational areas.

5096.124. Except as otherwise provided in this section or elsewhere in this chapter, all money deposited in the State, Urban, and Coastal Park Fund shall be available for appropriation as set forth in Section 5096.119 for the purposes set forth below in amounts not to exceed the following:

- (a) For grants to counties, cities, and districts for the acquisition, development, or restoration of real property for park, beach, recreational, and historical resources preservation purposes, including state administrative costs.....\$85,000,000
- (b) For acquisition, development, or restoration of real property for the state park system in accordance with the following schedule.....\$34,000,000

Schedule:

- (1) Thirteen million dollars (\$13,000,000) for acquisition and costs for planning and interpretation.
- (2) Twenty-one million dollars (\$21,000,000) for development of real property, historical resources, and costs for planning and interpretation.
- (c) For acquisition of coastal recreational resources, consisting of real property for the state park system and costs of planning and interpretation.....\$110,000,000
- (d) For the acquisition or development of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code), including costs for planning and interpretation in accordance with the following schedule.....\$15,000,000

Schedule:

- (1) Ten million dollars (\$10,000,000) for coastal projects.
  - (2) Five million dollars (\$5,000,000) for all projects, including coastal projects.
- (e) For recreational facilities of the State Water Facilities, as defined in paragraphs (1) to (4), inclusive, of subdivision (d) of Section 12934 of the Water Code, for allocation in accordance with the following schedule.....\$26,000,000

Schedule:

- (1) Fifteen million dollars (\$15,000,000) to the Department of Parks and Recreation, of which up to six million dollars (\$6,000,000) may be used for recreational facilities at Lake Elsinore, whether or not such facilities are a part of the State Water Facilities.
- (2) Five million dollars (\$5,000,000) to the Department of Water Resources.
- (3) Six million dollars (\$6,000,000) to the Department of Navigation and Ocean Development.

It is the intent of the Legislature that funds expended pursuant to subdivisions (a) and (b) of this section may be used for the acquisition of parks, beaches, open-space lands, and historical resources, and for development rights and scenic easements in connection with such lands and resources, and, in the case of grants to counties, cities, and districts, also for the development or restoration of such lands or resources and that funds expended pursuant to subdivision (c) of this section be in accordance with the following criteria and priorities.

(1) The first priority for the acquisition of coastal recreational resources is as follows:

(i) Land and water areas best suited to serve the recreational needs of urban populations.

(ii) Land and water areas of significant environmental importance, such as habitat protection.

(iii) Land and water areas in either of the above categories shall be given the highest priority when incompatible uses threaten to destroy or substantially diminish the resource value of such area.

(2) The second priority for the acquisition of coastal recreational resources is as follows:

(i) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.

(ii) Remaining areas of high recreational value.

(iii) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, such as ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as being especially important.

(iv) Highly scenic areas that are or include landscape preservation projects designated by the Department of Parks and Recreation; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas, or as scenic open space; and scenic areas and historical districts designated by cities and counties. All real property acquired pursuant to this chapter 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, and procedures sufficient to ensure such compliance shall be prescribed by the Department of Parks and Recreation.

It is the further intent of the Legislature that funds granted pursuant to subdivision (a) of this section may be used by counties, cities, and districts for the acquisition, development, and restoration of public indoor recreational facilities, including enclosed swimming pools, gymnasiums, recreation centers, historical buildings, and museums. For development, the land must be owned by, or subject to a long-term lease to, the applicant county, city, or district. Such lease shall be for a period of not less than 25 years from the date an application for a grant is made and shall provide that it may not be revoked at will during such period.

5096.125. Except as otherwise provided in this section and elsewhere in this chapter, all money deposited in the State Coastal Conservancy shall be available for appropriation, as provided in Section 5096.119, for the purposes set forth in this section, in a total amount not to exceed ten million dollars (\$10,000,000):

(a) For restoration and enhancement of degraded coastal lands, especially habitat areas and lands near urban areas, that are suitable for intensive or passive recreational use.

(b) For the selective acquisition of prime coastal agricultural lands proposed for conversion to nonagricultural use, to prevent urban intrusions into agricultural areas and to assemble coastal agricultural lands into parcels of economic size, using appropriate techniques such as purchase and leaseback or resale of lands for productive use.

(c) For the preacquisition of lands for reconveyance to other public agencies for coastal recreational resources preservation purposes.

(d) For the selective acquisition of easements and development rights on lands adjacent to public parks or wildlife preserves on or near the coast, to establish a buffer of privately owned land for use consistent with the purposes of the park or preserve and to minimize the need for future acquisitions around existing parks and wildlife preserves.

(e) For the acquisition or acceptance of lands providing public access to and along the coast.

(f) For the costs of administration and planning.

It is the intent of the Legislature that no funds allocated in this chapter to the State Coastal Conservancy shall be expended unless and until the Legislature has enacted legislation authorizing the administration of the conservancy by an existing state agency or a new state agency and has, in such legislation, set forth the purposes, powers, and duties of such agency. If the Legislature has not assigned such authority to an existing or new state agency by January 1, 1980, the funds allocated in this chapter to the State Coastal Conservancy shall be transferred to the State, Urban, and Coastal Park Fund and shall be allocated for expenditure for the purposes specified in subdivision (c) of Section 5096.124.

It is the further intent of the Legislature that funds expended pursuant to this section may be used for acquisition of fee title to real property or any other interest in real property that is less than the fee.

5096.126. After the Legislature has authorized the administration of the State Coastal Conservancy by an existing or new state agency, any project involving state funds pursuant to Section 5096.125 shall originate and be processed in the manner to be specified by the Legislature in such authorizing legislation.

5096.127. (a) All of the funds authorized by subdivision (a) of Section 5096.124 for grants, shall be allocated to the counties, such allocation to be based upon the estimated population of the counties on July 1, 1980, as projected by the Department of Finance.

(b) Each county's apportionment of such funds shall be in the same ratio as the county's population is to the state's total population; provided, however, that each county having a projected 1980 population of 40,000 or fewer persons shall receive an allocation of two hundred thousand dollars (\$200,000); and

provided further, that any grant made to a city or district shall be subtracted from the total otherwise allocable under the provisions of this chapter to the county or counties in which the city or district is located.

(c) Each county shall consult with all cities and districts within the county and shall develop and submit to the state for approval a priority plan for expenditure of the county's allocation. The priority plan for expenditure shall consist of an allocation of the county's funds to the eligible recipients specified in subdivision (a) of Section 5096.124. The priority plan for expenditure may include the names of individual projects under each governmental jurisdiction. The priority plan for expenditure shall be submitted to the Director of Parks and Recreation prior to June 30, 1978. The priority plan for expenditure of the total county allocation shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Failure to submit an approved priority plan by June 30, 1978, shall result in a 10 percent annual reduction of the total county allocation until the priority plan is submitted. Any funds not allocated to a county shall remain in the State, Urban, and Coastal Park Fund and shall be expended under the same conditions as set forth in Section 5096.128 in 1983. By June 30, 1980, if agreement on the priority plan for expenditure has not been submitted to the Director of Parks and Recreation, the county board of supervisors shall petition the Director of Parks and Recreation to distribute to high-priority projects the remaining 80 percent of the county's allocation.

(d) Applications for individual projects may be submitted directly to the Director of Parks and Recreation by individual jurisdictions.

5096.128. On July 1, 1983, the Secretary of the Resources Agency shall cause to be totaled the unencumbered balances remaining in the State, Urban, and Coastal Park Fund. A program shall be submitted in the budget for the 1984-85 fiscal year to appropriate this balance. This program shall consist of projects deemed to be of highest priority from among the purposes expressed in subdivisions (a) to (e), inclusive, of Section 5096.124 and shall not be subject to the maximum amounts allocated to those purposes in Section 5096.124.

5096.129. Any project involving state funds only, pursuant to subdivision (b), (c), and (e) of Section 5096.124, shall originate by resolution of the Legislature or of the State Park and Recreation Commission directing a study of the proposed project or by action of the Secretary of the Resources Agency, either on his own initiative, or, with respect to projects to be funded pursuant to subdivision (e) of Section 5096.124, at the request of the Director of Water Resources, directing a study of the proposed project.

The costs of these project studies shall be borne by the State, Urban, and Coastal Park Fund.

Allocations for the purposes of subdivision (d) of Section 5096.124 that are authorized by the Legislature and approved by the Governor shall be made from

the State, Urban, and Coastal Park Fund and shall be expended in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code).

5096.130. (a) An application for a grant pursuant to subdivision (a) of Section 5096.124 shall be submitted to the Director of Parks and Recreation for review. The application shall be accompanied by a certification from the planning agency of the applicant that the project is consistent with the park and recreation plan for the applicant's jurisdiction.

(b) The minimum amount that may be applied for any individual grant project is ten thousand dollars (\$10,000). Any application for a state grant shall comply with the provisions of the Environmental Quality Act of 1970 (commencing with Section 21000).

(c) Upon completion of the grant application review by the Director of Parks and Recreation, approved projects shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

5096.131. Projects proposed pursuant to subdivisions (b), (c), (d), and (e) of Section 5096.124 shall be submitted to the office of the Secretary of the Resources Agency for review. The Director of Parks and Recreation shall provide the Secretary of the Resources Agency with a statement concerning each project originated pursuant to subdivisions (b), (c), and (e) of Section 5096.124, which statement shall include the priority of the project in regard to the need to correct the following deficiencies:

- (a) Deficiencies in providing recreation.
- (b) Deficiencies in preserving historical resources.
- (c) Deficiencies in preserving or protecting natural, scenic, ecological, geological, or other environmental values.

5096.132. The Secretary of the Resources Agency, after completing his review, shall forward those projects recommended by the appropriate board or commission together with his comments thereon to the Director of Finance for inclusion in the Budget Bill. Projects proposed pursuant to subdivision (d) of Section 5096.124 shall be subject to the favorable recommendation of the Wildlife Conservation Board. Projects proposed for the state park system pursuant to subdivision (b) or (e) of Section 5096.124 shall be subject to the favorable recommendation of the State Park and Recreation Commission.

In submitting the list of projects recommended for inclusion in the annual budget, the secretary shall organize the projects on a priority basis within each of the purposes as set forth in subdivisions (b), (c), (d), and (e) of Section 5096.124. This priority ranking shall be based upon the provisions of Section 5096.124 and the needs specified in Section 5096.131.

In addition, the statement setting forth the priorities shall include the relationship of each separate project on the priority list to a proposed time schedule for the acquisition, development, or restoration expenditures associated with the accomplishment of the projects contained in such list. All projects proposed in the Governor's Budget of each fiscal year shall be contained in the Budget Bill as provided in Section 5096.119.

5096.133. Projects authorized for the purposes set forth in subdivisions (b), (c), and (e) of Section 5096.124 shall be subject to augmentation as provided in Section 16352 of the Government Code. The expended balance in any appropriation heretofore or hereafter made payable from the State, Urban, and Coastal Park Fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation may be transferred on order of the Director of Finance to, and in augmentation of, the appropriation made in Section 16352 of the Government Code.

5096.134. The Director of Parks and Recreation may make agreements with respect to any real property acquired pursuant to subdivisions (b) and (c) of Section 5096.124 for continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long as the seller promises to pay such taxes on his interest in the property as shall become due, owing, or unpaid on the interest created by such agreement, and so long as the seller conducts his operations on the land according to specifications issued by the Director of Parks and Recreation to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the state, as determined by the Director of Parks and Recreation.

5096.135. Notwithstanding any other provisions of law, for the purposes of this chapter, acquisition may include gifts, purchases, leases, easements, eminent domain, the transfer or exchange of property for other property of like value, and purchases of development rights and other interests, unless the Legislature shall hereafter otherwise provide. Acquisition for the state park system by purchase or by eminent domain shall be under the Property Acquisition Law (commencing with Section 15850 of the Government Code), notwithstanding any other provisions of law.

5096.136. All grants, gifts, devises, or bequests to the state, conditional or unconditional, for park, conservation, recreation, or other purposes for which real property may be acquired or developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance. Such grants, gifts, devises, or bequests shall be available, when appropriated by the Legislature, for expenditure for the purposes provided in Sections 5096.124 and 5096.125.

5096.137. There shall be an agreement or contract between the Department of Parks and Recreation and the applicant in the case of a state grant project which shall contain therein the provisions that the property so acquired or

developed shall be used by the applicant only for the purpose for which the state grant funds were requested and that no other use of the area shall be permitted except by specific act of the Legislature. No state grant funds shall be available for expenditure until such agreement has been signed.

5096.138. Real property acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreational purposes, and lands necessary for the preservation of historical resources. No funds derived from the bonds authorized by this chapter shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition or development of beaches, parks, recreational facilities, and historical resources at or in the vicinity of any such reservoir.

5096.139. (a) The Director of Parks and Recreation may submit to the State Lands Commission any proposal by a state or local public agency for the acquisition of lands pursuant to this chapter, which lands are located on or near tidelands, submerged lands, swamp, overflowed, or other wetlands which are under the jurisdiction of the State Lands Commission, whether or not such lands are state-owned or have been granted in trust to a local public agency; and the State Lands Commission shall, within one year of such submittal, review such proposed acquisition, make a determination as to the state's existing or potential interest in the lands, and report its findings to the Director of Parks and Recreation, who shall forward such report to the Secretary of the Resources Agency.

(b) No provision of this chapter shall be construed as authorizing the condemnation of state lands.

SEC. 2. Section 1 of this act shall become operative January 1, 1977, if the people at the special election provided in Section 3 of this act adopt the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976, as set forth in Section 1 of this act. Sections 2 to 8, inclusive, of this act provide for the calling of an election and contain provisions relating to, and necessary for, the submission of the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the second day of November, 1976. The special election shall be consolidated with the 1976 general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled, and distributed relating to the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks

not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act, which shall appear as Proposition 1 at such election. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in the time, form, and manner as provided in Article 1.8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code.

SEC. 6. The special election provided in this act shall be proclaimed, held, and conducted, the ballots shall be prepared, marked, collected, counted, and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the State Constitution applicable thereto and the law governing elections insofar as provisions thereof are applicable to the election provided in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. Notwithstanding any other provision of law, all ballots of said elections shall have printed thereon and in a square thereof, the words: "For the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," and the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred eighty million dollars (\$280,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," and in the same square immediately below said words, in eight-point type shall be printed, "This act provides for a bond issue of two hundred eighty million dollars (\$280,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes." Opposite the words "For the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976," and "Against the Nejedly-Hart State, Urban, and Coastal Bond Act of 1976," 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 said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976"; provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out

the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 8. The votes cast for or against the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 shall be counted, returned, and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged.

SEC. 9. There is hereby appropriated to the Department of Parks and Recreation the sum of one hundred thousand dollars (\$100,000) from the Bagley Conservation Fund for advance planning on projects to be financed under subdivisions (a), (b), (c), and (e) of Section 5096.124 of the Public Resources Code.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act may provide financing for urgently needed parks, beaches, recreation areas, and historical resources preservation projects, it is necessary that this act go into immediate effect.



**APPENDIX B**  
**County Allocations**

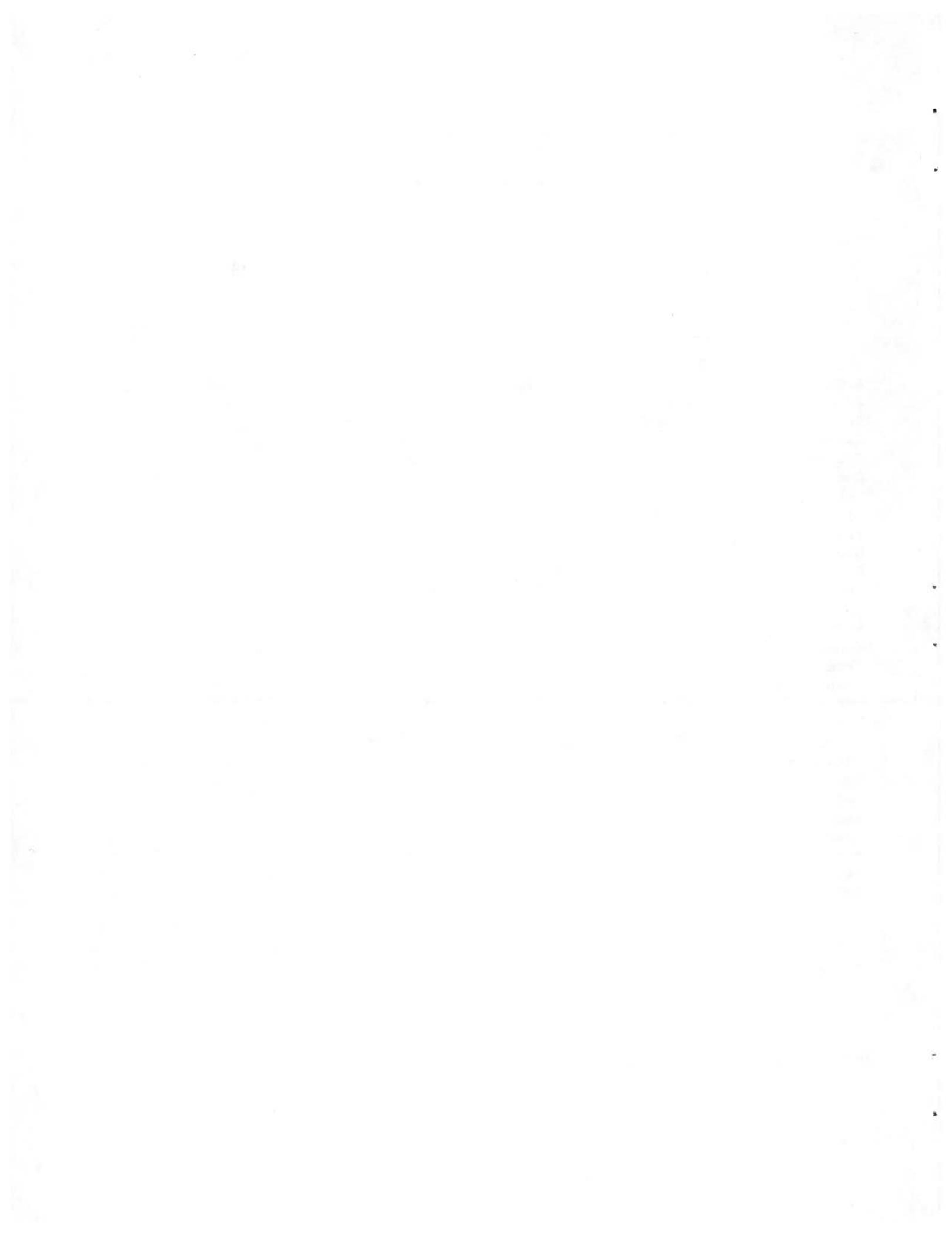


NEJEDLY-HART STATE, URBAN AND COASTAL PARK BOND ACT OF 1976  
OFFICIAL ALLOCATION TO COUNTIES

The \$82.5 million in grants is allocated to the counties as follows:

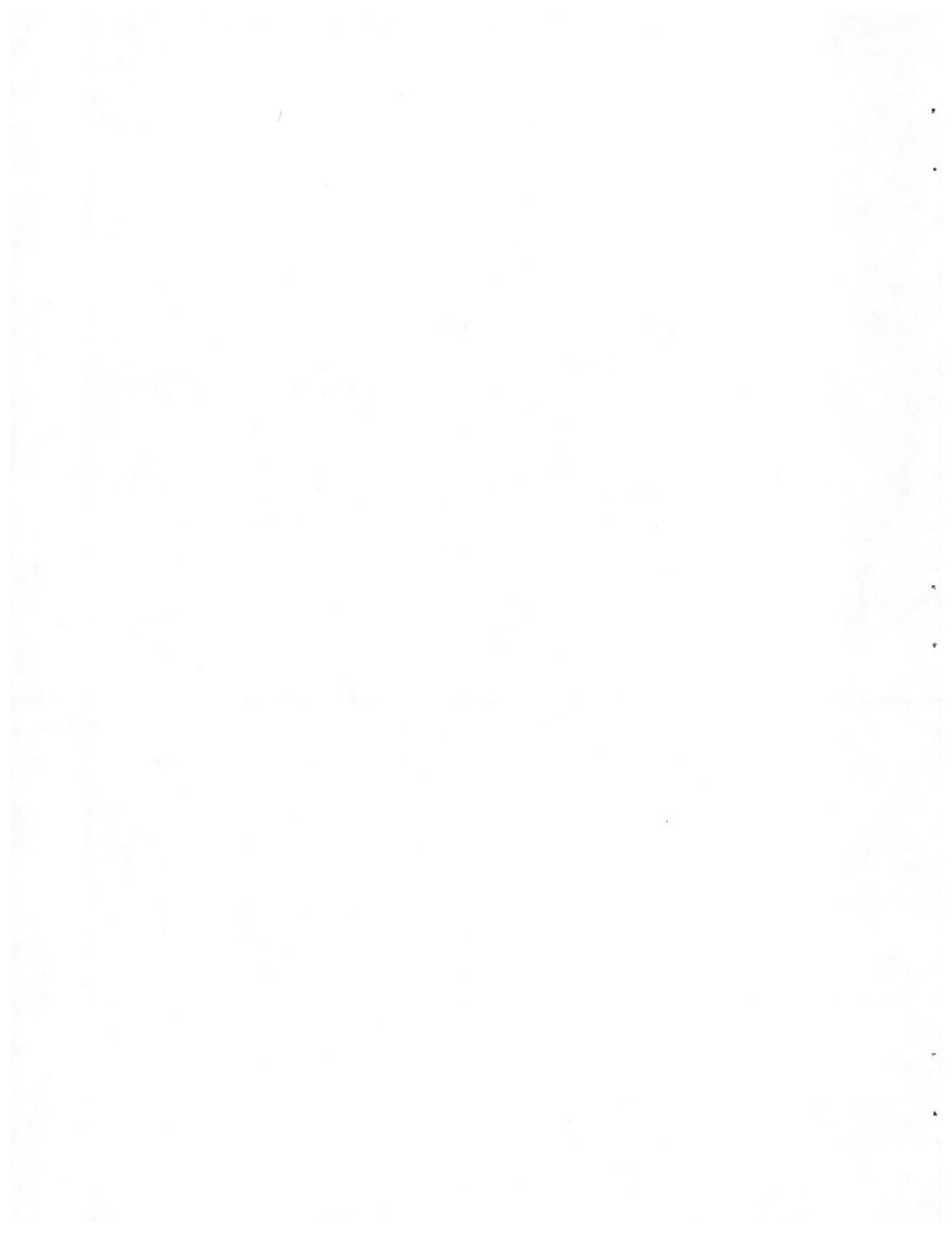
<u>COUNTY</u>	<u>POPULATION*</u>	<u>AMOUNT</u>	<u>COUNTY</u>	<u>POPULATION</u>	<u>AMOUNT</u>
Alameda	1,109,800	\$ 3,878,592	Orange	1,942,400	\$6,788,409
Alpine	900	200,000	Placer	109,200	381,638
Amador	18,200	200,000	Plumas	14,900	200,000
Butte	140,300	490,328	Riverside	638,200	2,230,417
Calaveras	18,200	200,000	Sacramento	748,700	2,616,599
Colusa	13,300	200,000	San Benito	22,300	200,000
Contra Costa	633,700	2,214,691	San Bernardino	774,100	2,705,368
Del Norte	16,800	200,000	San Diego	1,807,700	6,317,652
El Dorado	78,400	273,997	San Francisco	635,100	2,219,583
Fresno	499,700	1,746,380	San Joaquin	317,100	1,108,219
Glenn	21,800	200,000	San Luis Obispo	146,300	511,298
Humboldt	108,600	379,541	San Mateo	600,900	2,100,059
Imperial	95,000	332,011	Santa Barbara	299,400	1,046,360
Inyo	18,300	200,000	Santa Clara	1,278,600	4,468,523
Kern	380,000	1,328,046	Santa Cruz	186,700	652,490
Kings	72,700	254,076	Shasta	110,000	384,434
Lake	33,000	200,000	Sierra	3,400	200,000
Lassen	19,500	200,000	Siskiyou	37,200	200,000
Los Angeles	7,151,600	24,993,815	Solano	217,400	759,782
Madera	53,600	200,000	Sonoma	280,400	979,958
Marin	228,200	797,526	Stanislaus	255,700	893,635
Mariposa	10,000	200,000	Sutter	51,600	200,000
Mendocino	65,400	228,564	Tehama	35,500	200,000
Merced	129,800	453,632	Trinity	11,300	200,000
Modoc	8,400	200,000	Tulare	234,200	818,495
Mono	8,800	200,000	Tuolumne	31,400	200,000
Monterey	296,600	1,036,575	Ventura	507,800	1,774,688
Napa	98,200	343,195	Yolo	112,000	391,424
Nevada	44,400	200,000	Yuba	50,300	200,000
					\$82,500,000
					Contingencies and Administration (3%) 2,500,000
					\$85,000,000

\*Population source: State Department of Finance, March 1, 1977



APPENDIX C

Example: state/applicant agreement



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

PROJECT AGREEMENT

STATE, URBAN, AND COASTAL PARK BOND ACT OF 1976

Project Title \_\_\_\_\_

Applicant \_\_\_\_\_ Project Number \_\_\_\_\_

Project Performance Period: Date of Execution by Director of State Department of Parks and Recreation to \_\_\_\_\_

Description of Project (and purposes for which grant moneys were requested)

Chapter \_\_\_\_\_ Statutes of \_\_\_\_\_ Item Number \_\_\_\_\_

Total State Grant not to exceed \$ \_\_\_\_\_

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

\_\_\_\_\_  
Applicant

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

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

By \_\_\_\_\_

Date \_\_\_\_\_

STATE, URBAN, AND COASTAL PARK BOND ACT OF 1976

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 State, Urban, and Coastal Park Bond Act of 1976 as amended.
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 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. The Applicant agrees to complete the Project 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 includes development, the development plans and specifications shall be reviewed and approved by the State.
4. The Applicant shall secure completion of the development work in accordance with the approved development plans and specifications or Force Account Schedule.
5. The Applicant shall permit periodic site visits by the State to determine if development work is in accordance with the approved plans and specifications or Force Account Schedule, including a final inspection upon Project completion.
6. All significant deviations from the Project shall be submitted to the State for prior approval.
7. If the project includes acquisition of real property, the purchase price shall be the fair market value of such property as established by the Applicant's approved appraisal of such property which has also been approved by State or the amount established as compensation by a nonstipulated final judgment in an eminent domain proceeding. The approved appraisal report (prepared in accordance with Government Code Section 7267 to 7267.7 inclusive) used to establish the fair market value or compensation shall be furnished to State for review and approval. Applicant agrees to furnish State additional supportive appraisal material or justification as may be requested by State.

Applicant agrees to furnish 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.

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

### C. Project Costs

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

1. If the Project includes acquisition of real property, the State shall disburse to Applicant 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 will disburse the amount of the State approved purchase price together with State approved costs of acquisition.
    - (1) State may elect to make disbursement for deposit into escrow.
  - b. When acquisition is through proceedings in eminent domain, State will 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 Applicant abandons such eminent domain proceedings, Applicant agrees to bear all costs in connection therewith and that no grant moneys shall be disbursed for such costs.
2. If the Project includes development, after approval by State of Applicant's plans and specifications or Force Account Schedule and after completion of the Project or any phase or unit thereof, State shall disburse to Applicant upon receipt and approval by State of a statement of incurred costs from Applicant, the amount of such approved incurred costs shown on such statement, not to exceed the State grant amount set forth on page 1 of this agreement, or any remaining portion of such grant amount to the extent of such statement. State may disburse up to 90% of the State grant amount allocated for development upon receipt and approval by State of Applicant's plans and specifications or Force Account Schedule.

The statements to be submitted by Applicant shall set forth in detail the incurred or estimated cost of work performed or to be performed on development of the Project and whether performance will be by construction contract or by force account. Statements shall not be submitted more frequently than ninety day periods unless otherwise requested by State.

Modifications of the development plan and schedule must be approved by State prior to any deviation from the State approved plan and schedule unless previously authorized by the State.

### D. Project Administration

1. The Applicant shall promptly submit such reports as the State may request.

In any event Applicant shall provide State a report showing total final Project expenditures.
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.
4. If grant moneys are advanced, the Applicant shall place such moneys in a separate interest bearing account, setting up and identifying such account prior to the advance, interest earned on grant moneys shall be used on the project or paid to the State. If grant moneys are advanced and not expended, the unused portion of the grant shall be returned to the State within 60 days of completion of the Project or end of the Project performance period, whichever is earlier.
5. Gross income that is earned by the Applicant from a State approved non-recreational use on an acquisition project, subsequent to taking title by the Applicant, must be used by the Applicant for recreational purposes at the Project.

### E. Project Termination

1. The Applicant may unilaterally rescind this agreement at any time prior to the commencement of the Project. After Project commencement this agreement may be rescinded, modified or amended 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 beaches, parks, public outdoor 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 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 of this agreement shall be the specific performance of this agreement.

F. Hold Harmless

1. 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 State, its officers, agents, and employees.
2. Applicant 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 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 et seq., the Applicant 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 Applicant because of the concurrent negligence of 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.

G. 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. Applicant 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 Applicant may use any generally accepted accounting system.

H. Use of Facilities

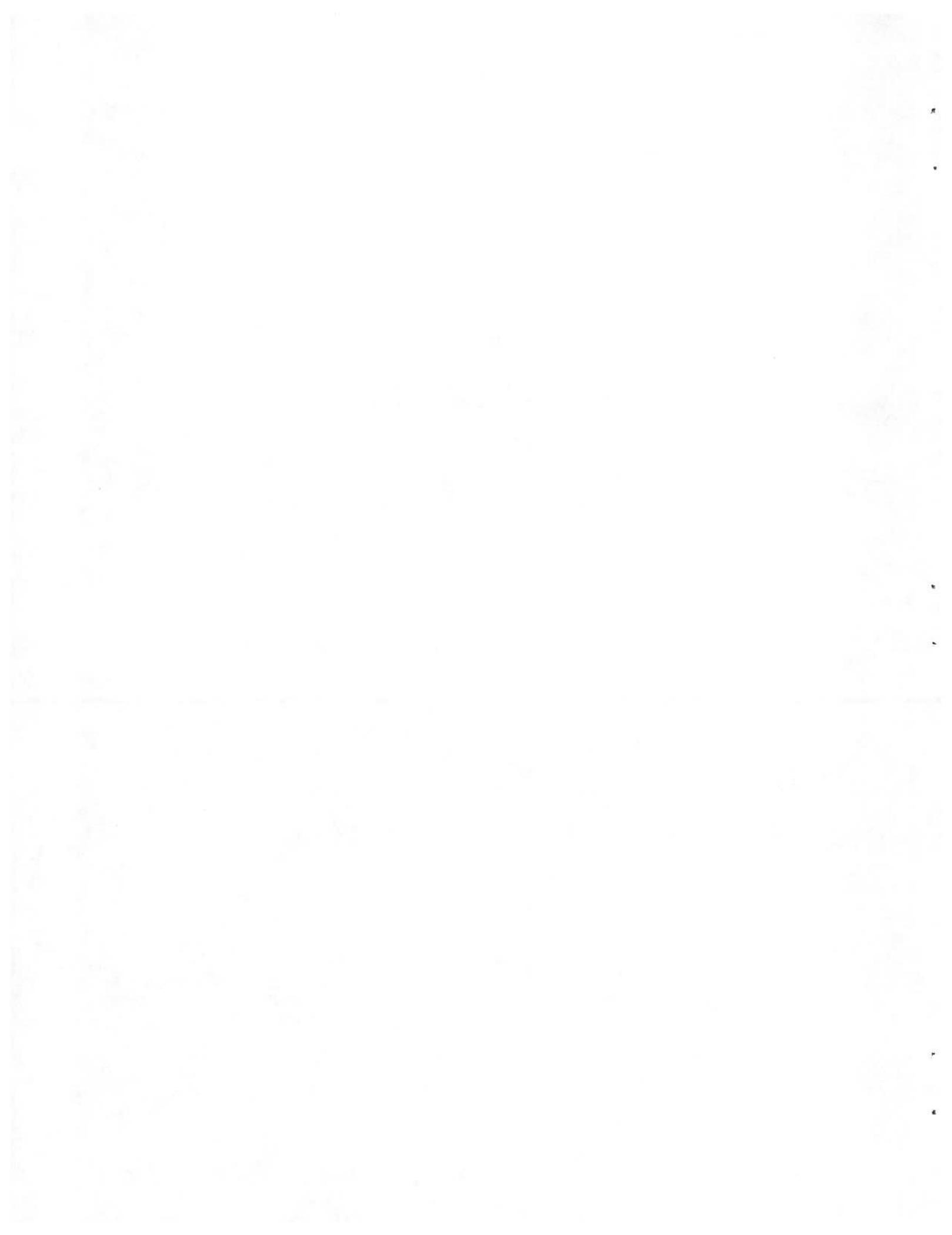
1. The property acquired or developed with grant moneys under this agreement shall be used by the Applicant only for the purpose for which the State Grant moneys were requested and no other use of the area shall be permitted except by specific act of the Legislature.
2. The Applicant shall without cost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

I. 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 D

Example: force account schedule  
for development projects



SAMPLE FORCE ACCOUNT SCHEDULE

February 17, 1976

Mr. \_\_\_\_\_, Supervisor  
Grants Administration Section  
Department of Parks and Recreation  
P. O. Box 2390  
Sacramento, California 95811

Re: County Park Development  
Project No. \_\_\_\_\_

Dear Mr. \_\_\_\_\_:

Attached are construction plans, specifications and cost estimates for work proposed to be done on the above project.

The order of priority for the construction of the various items is as follows:

1. Riprap on Weaver Creek channel.
2. Sidewalks on Main Street.
3. Paving off-street parking area.
4. Fencing and property improvement.
5. Equipment display and storage shed. Labor and Material.
6. Erection of Miner's Cabin. Labor and incidental material only.

Lower priority items will be completed as funds permit or deleted entirely.

Heavy use of the picnic area has resulted in additional erosion of the adjacent creek bank by children scrambling up and down it to play in the water. The very heavy boulder riprap will eliminate both water and traffic erosion problems in addition to improving the bank appearance.

Paving of the parking lot will eliminate maintenance of the graveled area – now compounded by youngsters on motorcycles and in cars.

Installation of concrete sidewalks will eliminate the serious problem arising from the tracking of mud and sand from the present gravel walks into the museum. In addition, concrete walks will present a much neater appearance and substantially reduce the hardwood floor maintenance in the museum.

The grading, gravel surfacing and fencing (on the south and west sides) of the Clough lot is necessary before any other improvements can be made in this area.

The erection of a wagon shed is predicated upon the dire need for heavy equipment display and storage space. It is obvious that a choice will have to be made between this and the erection of the miner's cabin – a prime example of broad-axe and very skillful dovetail work that is now in storage on the property. The choice will be made when other higher priority improvements are completed and the amount of available money is determined.

We anticipate that the bulk of the improvements planned will be accomplished by force account during 1972 under the supervision of the County Parks Department, as agent of the County Board of Supervisors.

Please advise me if any additional information is needed.

Very truly yours,

Director  
County Parks Department

Attachments

## COUNTY PARK

PROJECT NO. \_\_\_\_\_

### SPECIFICATIONS

#### Creek Channel Improvement

1. The east bank of the creek shall be built up and realigned with heavy boulder riprap material. Work shall begin at the forks of Weaver Creek and Ten Cent Gulch and shall extend downstream to a point opposite the south wall of the museum building.
2. The base course of boulders weighing not less than five hundred pounds each shall be placed in a trench not less than one foot below the stream bed.
3. No vegetation shall be removed from the existing stream bank except as approved by the supervising personnel. Vegetation is to be buried in the fill material necessary to bring the bank up to a 1 : 1 slope. The vegetation (blackberry and locust) is expected to maintain its growth through the riprap material, forming a permanent binder and cover.
4. Subsequent to the placing of the base course of heavy boulders and backfilling to a 1 : 1 slope, boulders of a slightly smaller size shall be placed on the sloped banks, interlocking wherever possible.
5. Riprap on sloped banks shall extend to a vertical height of not less than six feet, or higher if deemed necessary by the supervising personnel.

#### Sidewalks

1. The existing gravel walk shall be excavated and graded to a finished depth of 4" below the top of the existing concrete curb.
2. Trees in the existing walkway shall be formed around as directed by the inspector.
3. Reinforcing mesh, 6" x 6" 10 gauge, shall be laid full width and supported prior to placing concrete.
4. Concrete containing six sacks of cement per cubic yard shall be placed and finished with a broomed surface.
5. Expansion joints shall be placed as directed by the inspector.

#### Parking Lot

1. The existing graveled parking area shall be graded, watered and rolled to a uniformly level surface.
2. Two inches of asphaltic concrete shall be placed by machine and rolled to a finished depth of one and one-half inches.
3. The finished surface shall be sealed with an emulsified liquid asphalt sealcoat.

### **Fencing and Clough Lot Improvement**

1. A split rail fence shall be constructed on the south and west sides of the property known as the Clough lot. Redwood rails and posts to be furnished by the County Parks Department.
2. Posts shall be placed ten feet apart. Rails shall be selected for their stacking ability and shall be stacked six rails high – forming a fence approximately three and one-half feet high.
3. Posts shall be prefabricated in pairs by placing a 4" x 4" x 24" redwood block between two posts six feet long and wiring them together with No. 9 galvanized wire.
4. The lot shall be graded and graveled with 3/4" maximum Class II aggregate base.

### **Miner's Cabin**

1. If sufficient funds are available, the old miner's log cabin (stored at the Park) shall be erected according to the markings and sketches made during its disassembling. Original material shall be used as far as practical.
2. Replacement material shall be as nearly the same as the original pieces as can be obtained, and will be furnished by the County Parks Department.
3. The cabin shall be erected on a gravel base consisting of three inches of 3/4" x 1/4" crush rock for drainage.
4. Cabin base logs shall be placed on rough heart redwood 2" x 12" laid level on the base gravel. Porch sills shall be laid on rough heart redwood 2" x 6" as above. All base logs, sills and joists shall be treated with clear wood preservative – Penta 5, Kenite 9, or equal.
5. Foundation vents shall be placed as directed by the inspector.
6. The shake roof shall be laid shingle fashion. The first course to be doubled and subsequent courses laid 12" to the weather. Shakes to be furnished by the County Parks Department.

### **Wagon Shed**

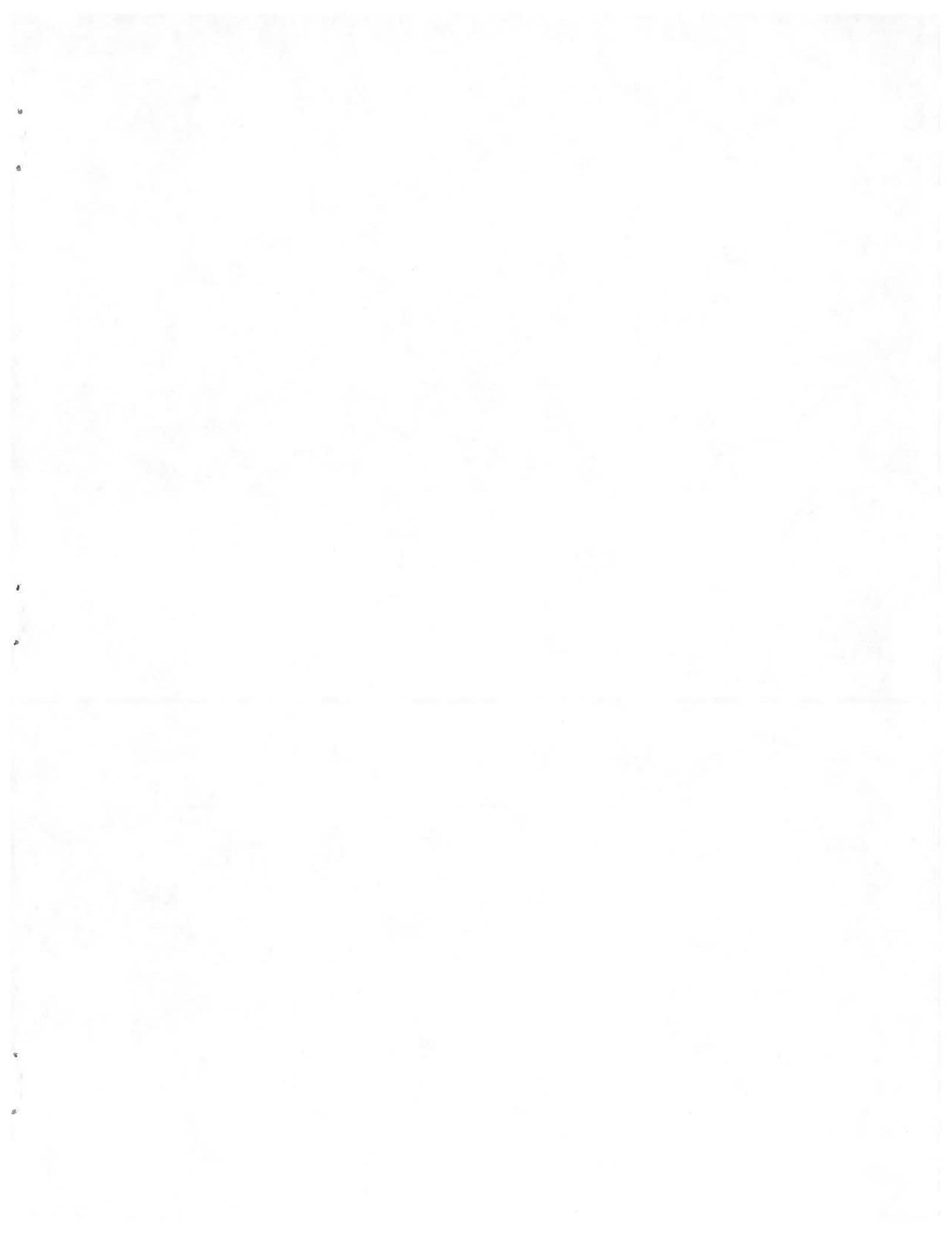
1. Shed construction will depend upon the amount of grant money remaining from previously listed improvements and County Parks Department.
2. Construction will be in accordance with local building codes for shed construction.
3. Framing shall be of rough lumber. Siding shall be rough 1" x 12" boards with 1" x 3" battens.
4. Roofing shall be shakes or, as a last resort, galvanized iron.
5. Side doors shall be arranged so that they may be opened for the display of old rolling stock.

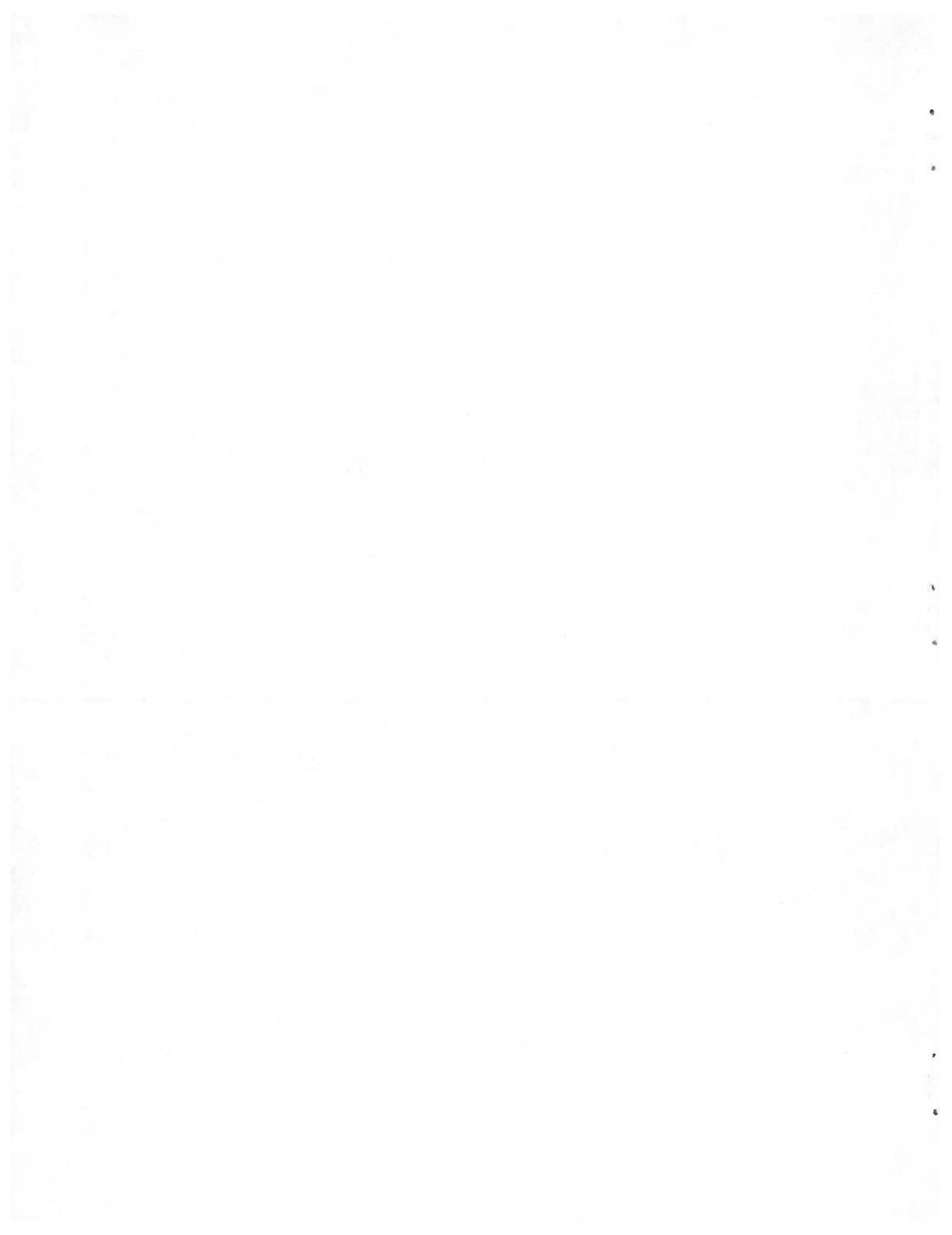
## SCOPE OF THE PROJECT

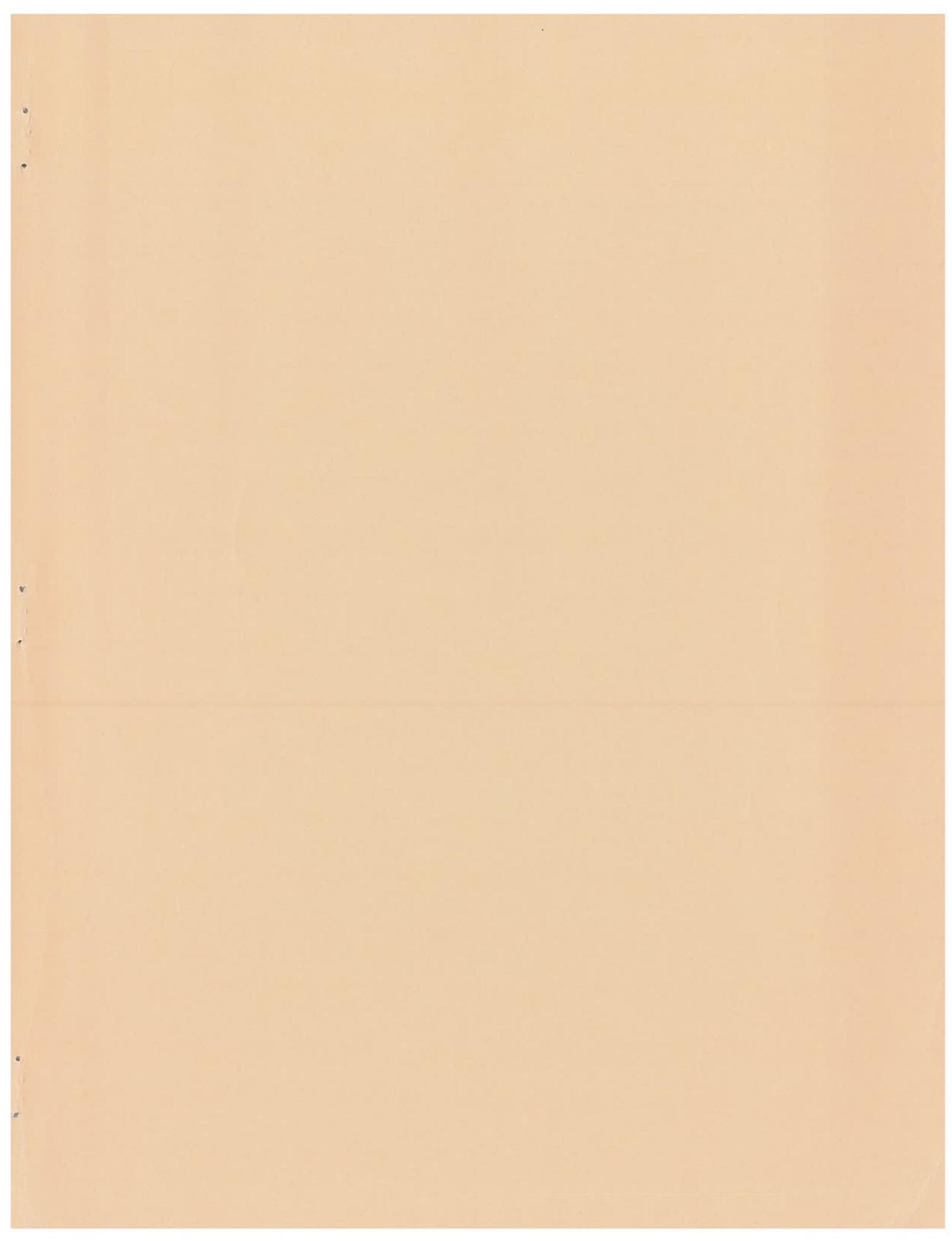
Under the present grant only those items that would substantially add to the beauty and utility of the existing facilities were considered. It is anticipated that all of the grant funds will be used and any additional funds required to complete any of the lower priority items will be borne by the County Parks Department.

### COST ESTIMATES

1. BOULDER RIPRAP. Approximately 1000 sq. ft.	\$1,300.00
2. SIDEWALK. Approximately 1100 sq. ft.	990.00
3. RAIL FENCE AND AREA IMPROVEMENT. Labor, grading, gravel.	410.00
4. PARKING LOT PAVING. Approximately 2700 sq. ft. A.C.	1,100.00
5. ENGINEERING, SUPERVISION and MISC. LABOR.	500.00
6. WAGON SHED or MINER'S CABIN.	700.00
Total Grant Funds	\$5,000.00







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