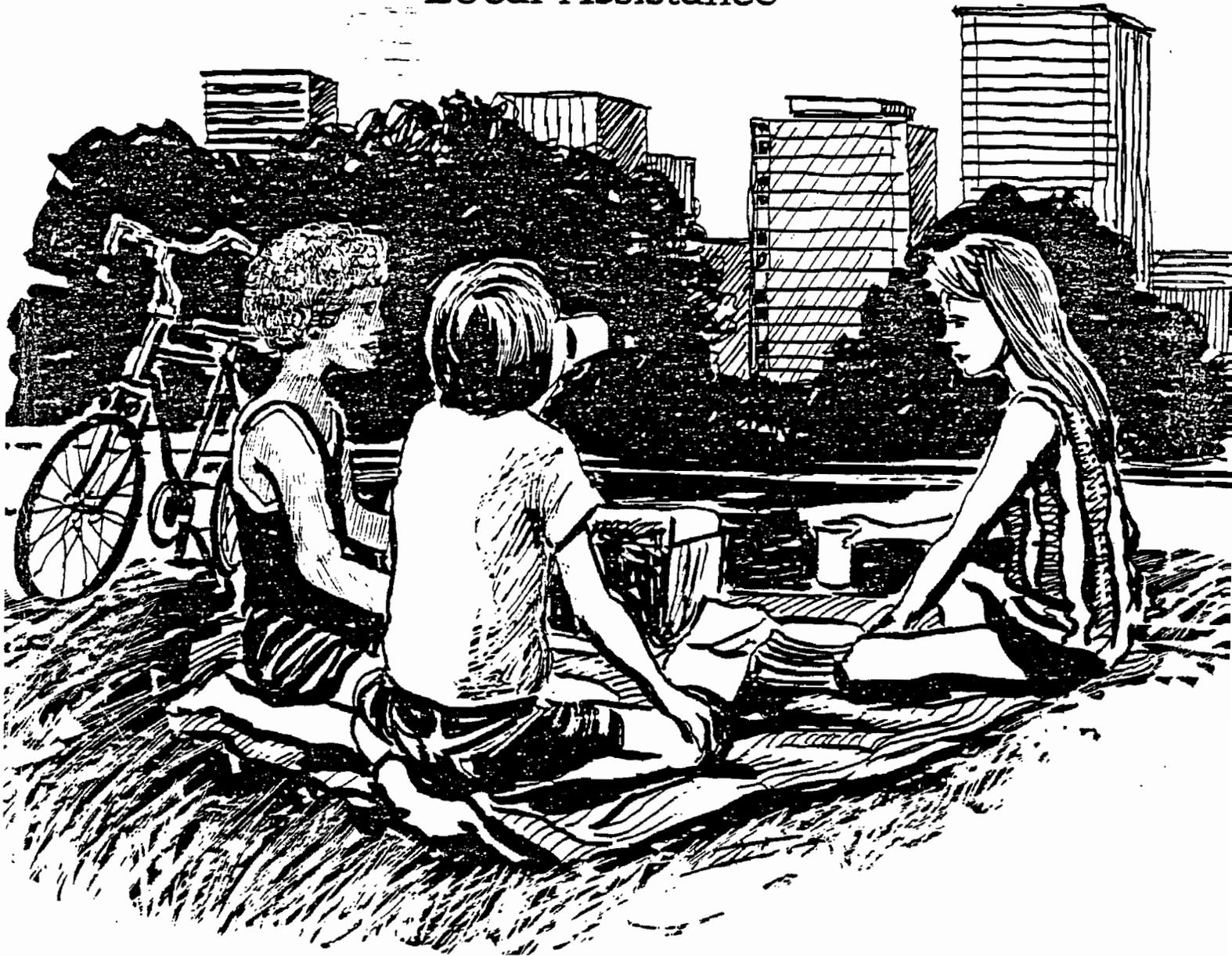


Procedural Guide for the CALIFORNIA PARKLANDS ACT OF 1980

Local Assistance



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



March 1981

Procedural Guide

for the

CALIFORNIA PARKLANDS ACT OF 1980

\$85,000,000 Grant Program

March 1981

Edmund G. Brown, Jr.
Governor

Huey D. Johnson
Secretary for Resources

Pete Dangermond Jr.
Director



State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
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CONTENTS

INTRODUCTION	1
Important points concerning program procedures	1
GENERAL INFORMATION	2
Eligible units of government	2
Official county allocation	2
Priority plan for expenditure	2
Eligible projects	3
Acquisition	3
Development	4
Indoor facilities	4
Historical projects	4
Rehabilitation	4
Additions to existing units	5
Joint projects	5
Ineligible projects	5
Time limitations	5
Normal grant process	6
APPLICATION PROCEDURES	7
When to apply	7
What to submit	7
Instructions for completing the items listed under "What to Submit"	7
State project inspections	10
PROJECT ADMINISTRATION	15
Accounting requirements	15
Eligible costs	15
Ineligible costs	17
Nonrecreational interim land management procedures	18
Income and interest	18
Requirements for development projects	19
Requirements for acquisition projects	19
Advances for development and acquisition projects	20
State audit	20
CHANGES AND TIME EXTENSIONS TO AN APPROVED PROJECT	21
Total withdrawal from program	21
Modification of an approved project	21
Withdrawal of an approved project	21
Time extension	21



PROJECT COMPLETION	22
Completion of a development project	22
Completion of an acquisition project	22
APPENDIXES	23
A - California Parklands Act of 1980	25
B - County Allocations	35
C - Example: state/applicant agreement	37
D - Example: force account schedule for development projects	43
E - Example: payment request and instructions for completing payment request	49

INTRODUCTION

This Procedural Guide will assist local government in applying for and administering state grant funds available under provisions of the California Parklands Act of 1980. It contains information on the program, application and billing procedures, and the criteria for an acceptable project.

Chapter 1.69 (commencing with Section 5096.141), Division 5 of the Public Resources Code, in part, authorizes \$85,000,000 for grants to counties, cities, and districts (except school districts) for acquisition, development, or restoration of real property for park, beach, recreational, and historical resource preservation purposes. These funds are allocated to counties based on population.

Important Points Concerning Program Procedures

1. Contact the Office of Recreation and Local Services of the Department of Parks and Recreation if there are questions. See General Information, page .
2. No state grant funds shall be available for expenditure until they are appropriated and no funds shall be disbursed until an agreement between the State Department of Parks and Recreation and the applicant has been signed by both parties.
3. State approval of construction and/or acquisition documents is required.
4. The minimum grant request is \$20,000 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.
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 Recreation and Local Services
P.O. Box 2390
Sacramento, CA 95811
Telephone: (916) 445-4441

At the present time, the Office of Recreation and Local Services 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 Recreation and Local Services.

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 recreational areas; which has been allocated grant funds under the priority plan for expenditure (see below); and which meets all requirements of the California Parklands 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 (January 1980), with no county receiving less than \$100,000 (Section 5096.156(b)). Allocations to individual agencies are available from the Office of Recreation and Local Services on request.

Priority Plan for Expenditure

Each county shall develop and submit to the state a priority plan for expenditure (Section 5096.156(c)) of the county's allocation. The priority plan for expenditure must consist of a list of jurisdictions in the county that are to receive portions of the county allocation, and must include the dollar amounts allocated to each jurisdiction.

The state will accept a county's "Priority Plan for Expenditure", provided that the county board of supervisors has certified by resolution that all eligible applicants have been consulted and that the priority plan reflects: (1) regional park or open-space needs as well as community/neighborhood park and recreation needs; (2) consideration of deficiencies in the county in preservation of historical resources and natural landscapes, as well as in provision of recreational areas and facilities; and (3) has been approved by at least 50% of the cities and districts, representing 50% of the population of the cities and districts within the county.

Section 5096.157(b) of the act states that "the minimum amount that may be applied for any individual grant project is twenty thousand dollars (\$20,000)" and once the county adopts a priority plan for expenditure, in accordance with Section 5096.156, it CANNOT be changed. Therefore, the appropriate allocation must be made to each eligible jurisdiction with consideration of the \$20,000 minimum project amount.

The deadline for submission to the state of each county's priority plan for expenditure is January 1, 1982. Thereafter, the county's original allocation will be reduced in accordance with Section 5096.156 of the Bond Act.

Eligible Projects

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

The following types of projects will be eligible for funding under this program:

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

A "project" may also be one in which a single agency applies on behalf of two or more jurisdictions, each of which has its own project of less than \$20,000, as long as the total project exceeds that amount. The applying agency is responsible to the state for the life of each of the smaller projects.

Acquisition

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

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

The grant recipient shall certify to the Department of Parks and Recreation that there is available, or will become available before commencement of any work on the project for which application for a grant has been made, matching money from a nonstate source. The certification of the source and amount of the funds shall be set forth in the application for a grant submitted to the department. Local matching money shall not be required with respect to a grant recipient that has urgent unmet needs for recreational lands and lacks the financial resources to acquire recreational lands, as determined according to a formula set forth in regulations adopted by the Director of the Department of Parks and Recreation. A copy of the formula is available from the Office of Recreation and Local Services.

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.

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

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

Historical Projects

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

The project 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; or (3) the National Register of Historic Places. Contact the State Office of Historic Preservation at (916) 445-8006 for information on the historical significance of a proposed project.

Rehabilitation

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

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 acquisition of lands for new recreation activity.

Joint Projects

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

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 ten 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 three years. When the agreement between the state and the local agency is signed, two additional years are available in which to complete the project (a total of 5 years from the date of appropriation). 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 its 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, 1988).
- 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 grant amount requested to the Department of Finance for inclusion in the budget bill.
- F. The project is approved by the legislature, and the budget bill is signed by the governor on July 1 annually. This appropriates the funds and makes them available for encumbrance by contract.
- G. The state signs an agreement with the applicant for each project. This encumbers the funds.
- H. For acquisition projects, the applicant submits to the state for review acquisition documents, including appraisal and a preliminary relocation plan if relocation is involved. The state can advance 10% of the grant funds for acquisition documents including appraisals.
- I. For development projects, the participant submits a complete bid package including 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. See Appendix D.)
- J. For development projects, the state may advance 10% of the grant for preparation of plans and specifications. Up to 90% for construction after approval of plans may be advanced, but only after the contract is awarded and/or construction commences.
- K. The applicant requests final payment after the project's completion, and submits final acquisition or development documents to the state.
- L. The state makes a final inspection of development projects.
- M. The state audits the applicant's records.
- N. The applicant is paid the remaining grant balance.

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 for appropriation in the next fiscal-year state budget. (To September 15, 1988.)

What to Submit

See back of application form on page 12. The following numbered instructions conform to the item numbers on the back of the forms:

1. Complete application form as indicated. Be sure that person authorized in resolution signs form.
2. Use sample resolution on page 13.
3. The following sample paragraph should be used for the planning 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

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 forth guidelines for implementation of CEQA.

The grant applicant (lead agency) determines if the project requires an environmental impact report or a negative declaration, or is categorically exempt. The State Department of Parks and Recreation (responsible agency) will determine the applicability of the action taken by the grant applicant.

If not categorically exempt

One copy of the final E.L.R. or negative declaration and the State Clearinghouse review letter with comments if any and lead agency replies; and a copy of the notice of determination filed with the county clerk where the project is to be done.

If categorically exempt

One copy of a notice of exemption filed with the county clerk where the project is to be done.

Copies of the notice of determination or notice of exemption submitted to the state should have the county clerks stamp and the date of billing on the document as proof of filing.

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 plan (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

Sample
Acquisition schedule

Parcel Code*	No.	Acreage	Est. date of acq.	Est. value of land to be acquired	Est. value of improvement to be acquired	Relocation	Total est. cost
1	1	25.20	2/84	102,000	—	—	\$102,000
2	2	2.97	1/84	19,000	4,500	7,000	30,500
1	3	6.00	2/84	31,000	—	—	31,000
1	4	37.13	2/84	76,500	—	—	76,500
Administration of relocation program						1,000	—
Total acreage		71.30		Total		\$241,000	

*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	\$ 152,800

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 U.S. Army 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 inspections before approving 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 execution of the proposed project. Periodic inspections may also be made during the project period.



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

CALIFORNIA PARKLANDS ACT OF 1980

APPLICATION FOR LOCAL ASSISTANCE GRANT

Project Title: _____

Amount of Grant Requested \$ _____
(Min. Grant \$20,000)

Estimated Total Project Cost \$ _____

Applicant (Agency - address incl. zip code)

Source of Matching
(Acq. only) _____

Project Location:

County _____

Nearest City _____

Address and Nearest Cross Street: _____

State Senate District No. _____

State Assembly District No. _____

Applicants' Representative Authorized in Resolution

(type) _____ (Name) _____ (Title) _____ (Phone) _____

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

(type) _____ (Name) _____ (Title) _____ (Phone) _____

Description of Project (Brief)

Land Tenure - Project land is: _____ acres:
_____ owned in fee simple by applicant
_____ available under a _____ year lease
_____ other interest (explain) _____

Project land will be: _____ acres:
_____ acquired in fee simple by applicant
_____ acquired in other than fee simple (explain)

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. If this project is for acquisition, and applicant is not exempt, I further certify that there is available, or will become available prior to the commencement of any work on the project for which application for a grant has been made, matching money from a nonstate source.

Signed _____
Applicant's Authorized Representative as Shown in Resolution

_____ Date

IMPORTANT

Submit applications by September 15 of each year

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

- a. Have your project approved by the Legislature.
- b. Caution — all state requirements must be met and an agreement signed before any funds will be disbursed.

An audit may be performed before final payment.

Needed for Application
One Copy of Each of the Following

1. Application Form.
2. Authorizing Resolution from governing body.
3. Certification by Planning Agency that project is consistent with applicant's park and recreation plan.
4. Environmental Impact Report or Negative Declaration and a copy of the Notice of Determination; or, if applicable, a copy of the Notice of Exemption if the project is categorically exempt.
5. Project location map (city or county).
6. Evidence of adequate land tenure. (lease, joint powers agreement, etc.)
7. Acquisition map (acquisition projects).
8. Site plan (development projects).
9. Acquisition Schedule (acquisition projects).
10. Cost Estimate (development projects).
11. Indication of amount, type and source of funds above grant provided by applicant.
12. 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. 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.

It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the State may require.

It will give the State's authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.

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

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, and any other state, and/or local laws, rules and/or regulations.

It agrees to maintain and operate the property acquired or developed for a period commensurate with the type of project and the proportion of state grant funds and local funds allocated to the capital costs of the project.

SAMPLE RESOLUTION

Resolution No. _____

RESOLUTION OF THE CITY (COUNTY, DISTRICT, ETC.) COUNCIL
CITY OF _____

APPROVING THE APPLICATION FOR 1980 STATE GRANT MONEYS

PROJECT _____

WHEREAS, the people of the State of California have enacted the California Parklands Act of 1980, 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 of, County of) _____

1. Approves the filing of an application for 1980 state grant assistance for _____ project; and
2. Certifies that said agency understands the assurances and certification 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 state/local agreement; and

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.



PROJECT ADMINISTRATION

The state grant funds must be encumbered during the first three fiscal years following approval of the project by the legislature. 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 application for the grant. The agreement (see Appendix C) will include clauses relating to the following:

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. Nondiscrimination
7. Interest that accrues on advanced grant funds.

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 the total cost of each project can be readily determined.

Eligible Costs

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

1. Preliminary costs. Preliminary project costs (e.g., site planning, appraisals, acquisition negotiations, etc.) incurred after the date of appropriation (i.e., passage of the state budget that includes the project) are eligible, provided that an agreement for the project is executed by the state and the applicant.
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 that 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. 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 the use to the project, and be signed by the operator and supervisor.

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

5. Supplies and materials. Supplies and materials may be purchased for a specific project or may be drawn from a central stock, providing they are claimed at a cost no higher than that paid by the 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 project 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 acquisition of real property may include: the approved purchase price of the property, appraisals, surveys, preliminary title reports, escrow fees, title insurance fees, and court costs of condemnation.
9. Relocation costs. Relocation costs are allowable for projects that result in displacement of any person and/or business. The 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 execution of the project. Some of these costs are:
 - a. Communications (such as telephone, telegrams, letters, etc.).
 - b. Premiums on hazard and liability insurance to cover personnel and/or property.
 - c. Work performed by another section of 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 as per the contract specifications.
15. The surcharge payable by the applicant for a project in which there is federal participation.

Nonrecreational Interim Land Management Procedures

Property acquired with state grant money 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 any of the following at the project site: recreation development, additional acquisition, operation, or maintenance.

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

Any income accruing from intended recreational use of the project 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, development, operation, or maintenance, 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.

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 sample Force Account Schedule, 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 insure 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 on project completion.

All significant deviations from the program agreement shall be submitted to the state in writing for approval.

Requirements for Acquisition Projects

Property acquired under the state grant program created by the California Parklands Act of 1980 must comply with provisions of Chapter 16, Sec. 7260 of Div. 7, Title 1 of the 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, at the time the fully executed agreement is sent to the applicant.

Advances for Development and Acquisition Projects

After the legislature has approved the project and the grant agreements have been signed, up to 10% of the total grant amount can be requested for specific planning for development projects. On approval of the applicant's plans and specifications, up to 90% of the total grant can be requested after the construction contract is awarded or construction has commenced for development projects.

If advances are made and not immediately used, the applicant shall be held accountable for the interest earned or interest that could have been earned on such advances. The advanced funds should be placed in a separate interest-bearing account to make computation of interest that could be earned easier. If necessary, interest that could have been earned may be computed by the state.

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

For acquisition projects, 90% 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 money. Such advance shall be placed immediately into escrow, or deposited with the court.

State Audit

At the completion of the project and receipt of the final payment request and completion documents, the state may audit the project records. The audit will include all books, papers, accounts, documents, or other records of the applicant as they relate to the acquisition or development project for which the state funds were granted. Projects may be audited at any time.

The purpose of the audit is to verify if project expenditures were properly incurred. The audit should be requested by the applicant with the final payment request only after all project transactions have been completed and 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 of not less than one year after the state audit or final disposition of any disputed audit findings.

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 to 16 months.

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 before the final cutoff date for projects to be included in the 1989/90 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 5096.211 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 Recreation and Local Services and explain the circumstances necessitating withdrawal. Follow up with an explanation in writing.
2. Submit a resolution 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 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, should be transmitted to the state two months before expiration of the agreement. Contact the Office of Recreation and Local Services for amendment forms and assistance.

PROJECT COMPLETION

Completion of a Development Project

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

1. A statement by the authorized representative that all payments have 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). The cost summary should show all related invoice and warrant numbers in connection with the project, so the auditors can use the cost summary to quickly locate the documents necessary to complete their audit.
4. Four ink-signed copies of the final payment request.

Completion of an Acquisition Project

After acquisition is complete the following is submitted to the state:

1. Four ink-signed copies of the final payment request.

For More Detailed Instructions, See the "State Guidelines for Acquisition Projects" which are made available to all applicants with acquisition projects.

Appendix A
California Parklands Act of 1980

Senate Bill No. 624

CHAPTER 250

An act to add Chapter 1.69 (commencing with Section 5096.141) 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 1980 general election; to take effect immediately, an act calling an election.

[Approved by Governor June 25, 1980. Filed with
Secretary of State June 26, 1980.]

LEGISLATIVE COUNSEL'S DIGEST

SB 624, Nejedly. Parklands acquisition and development program: bond issue.

(1) Under existing law, state general obligation bonds have been issued pursuant to the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 and 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, and pursuant to the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 to provide funds to acquire, develop, and restore real property for state and local park, beach, recreational, and historical resources preservation purposes.

This bill would make legislative findings regarding the need for parks, beaches, recreation areas, recreational facilities, and historical resources preservation projects, and would enact the California Parklands Act of 1980, which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$285,000,000 for parklands acquisition and development 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 1980 general election if the bill is adopted by the Legislature by July 1, 1980, with the provisions of the bond act becoming operative December 1, 1980, if it is adopted by the voters at the general election.

(2) Under existing law, Section 2231 of the Revenue and Taxation Code, the state is required to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the

State Board of Control for reimbursement.

This bill would declare that there are no state-mandated local costs in this act that require reimbursement pursuant to Section 2231.

(3) The bill would take effect immediately as an act calling an election.

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

SECTION 1. Chapter 169 (commencing with Section 5096.141) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 169. CALIFORNIA PARKLANDS ACT OF 1980

Article 1. General Provisions

5096.141. This chapter shall be known and may be cited as the California Parklands Act of 1980.

5096.142. 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 and facilities for citizens of California.

(b) It is the policy of the state to preserve, protect, and, where possible, 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.

5096.143. 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. Further, the development of parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects has not proceeded rapidly enough to provide for their full utilization by the public.

(b) The demand for parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects in the urban areas of our state is even greater since over 90 percent

of the present population of California reside in urban areas; there continues to be a serious 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 the greatest. 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 require, as soon as possible, funding for, and the acquisition of, land and water areas needed to meet demands for coastal recreational opportunities, 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, and to implement local coastal programs required pursuant to the California Coastal Act of 1976.

(f) There is a pressing need to provide 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 manmade coastal environments pursuant to activities of the State Coastal Conservancy undertaken pursuant to Division 21 (commencing with Section 31000).

(g) Cities, counties, and districts must exercise constant vigilance to see that the parks, beaches, recreation areas 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.

(h) Past and current funding programs have not and cannot meet present deficiencies. This condition has become more acute as a result of restrictions on local governmental revenues.

(i) 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

5096.144. As used in this chapter, the following terms shall have the following meanings:

(a) "Coastal resources" means those land and water areas within the coastal zone, as defined in subdivisions (a) and (b) of Section 31006, and within the Santa Monica Mountains Zone, as described in Section 33105, 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, or which are suitable for the preservation of coastal resource values.

(b) "District" means any district authorized to provide park, recreation, or open space services, or a combination of such services, except a school district.

(c) "Fund" means the Parklands Fund of 1980.

(d) "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.

(e) "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.

(f) "Program" means the Parklands Acquisition and Development Program established by this chapter.

Article 2. Parklands Acquisition and Development Program

5096.151. All money deposited in the Parklands Fund of 1980 shall be available for appropriation in the manner set forth in Section 5096.206 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, rehabilitation, 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, rehabilitation, or restoration of real property for the state park system in accordance with the following schedule..... \$70,000,000

Schedule:

(1) Sixty million dollars (\$60,000,000) for acquisition, development, and rehabilitation and for cost of planning and interpretation, of which not less than thirty million dollars (\$30,000,000) shall be for development and rehabilitation of structures and facilities in existing units of the state park system.

(2) Ten million dollars (\$10,000,000) for acquisition, development, and restoration of historical resources and for historical resources preservation projects and costs of planning and interpretation.

(c) For expenditure for coastal resources in accordance with the following schedule..... \$90,000,000

Schedule:

(1) Sixty million dollars (\$60,000,000) for acquisition or development of real property for the state park system and costs of planning.

(2) Thirty million dollars (\$30,000,000) for grants to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property, or the acquisition of any interest in real property, necessary for the implementation of local coastal programs; for the implementation of projects in San Francisco Bay, as defined in subdivisions (a) and (b) of Section 31006, and in the Santa Monica Mountains Zone, as described in Section 33105; and for state administrative costs in connection therewith.

(d) For expenditure by the State Coastal Conservancy for purposes set forth in Division 21 (commencing with Section

31000), and for state administrative and planning costs in connection therewith \$10,000,000

- (e) For expenditure by the Department of Parks and Recreation for the purposes of the Robert-Zberg Urban Open-Space and Recreation Program Act (commencing with Section 5620) of the Public Resources Code) \$30,000,000
- provided, however, that notwithstanding the provisions of Section 5627, funds made available pursuant to this category may be expended only for capital outlay purposes.

Article 3. Local Assistance Grants

5096.155. (a) Funds available for appropriation for local assistance grants pursuant to subdivision (a) of Section 5096.151 may be expended for the acquisition of parks, beaches, open-space lands, recreational trails, recreation facilities and areas, and historical resources, and for development rights and scenic easements in connection with such lands and resources.

(b) Funds granted pursuant to subdivision (a) of Section 5096.151 may be expended for development, rehabilitation, or restoration only on lands owned by, or subject to a lease or other interest held by, the applicant city, county, or district. If such lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the Director of Parks and Recreation that the development, rehabilitation, or restoration will provide benefits commensurate with the type and duration of interest in land held by the applicant.

5096.156. (a) All of the funds authorized in subdivision (a) of Section 5096.151 for local assistance grants shall be allocated among the counties on the basis of their populations as most recently projected by the Department of Finance for 1980.

(b) Each total county allocation 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 shall be entitled to a minimum allocation of one hundred thousand dollars (\$100,000).

(c) Each county shall consult with all cities and districts within the county and shall develop and submit a priority plan for expenditure of the total county allocation to the state for approval. The priority plan shall consist of an apportionment of the total county allocation to the county, cities, and districts. The priority plan may include the names of individual projects under each jurisdiction and shall reflect consideration of deficiencies within each jurisdiction and shall reflect of historical resources and natural landscapes as well as in the provi-

sion of recreational areas and facilities. The priority plan 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. Recognizing the fact that the boundaries of some cities and districts overlap, only the jurisdictions that will actually provide the facilities contemplated in the priority plan may participate in the approval process. In any county in which a regional park or open-space district is wholly or partially located, the priority plan shall reflect regional park or open-space needs as well as community and neighborhood park and recreation needs.

(4) The priority plan shall be submitted prior to January 1, 1982, to the Director of Parks and Recreation for approval. Failure to submit a priority plan by January 1, 1982, shall result in a 10 percent annual reduction of the total county allocation until the priority plan is submitted. By January 1, 1984, if the priority plan 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 total county allocation. Any funds not allocated to a county shall remain in the fund and shall be expended in the manner provided in Section 5096.211. In addition, with the consent of all the cities and districts in the county, the county board of supervisors may reject all or part of the state grant moneys allocated to it pursuant to this section, and such moneys shall be expended in the manner provided in Section 5096.211.

(e) Local assistance grants made pursuant to this article for the acquisition of real property shall be on the basis of 75 percent state grants moneys and 25 percent local matching money for the project. Grants shall be matched only by money or property donated to be part of the acquisition project. The grant recipient shall certify to the Department of Parks and Recreation that there is available, or will become available prior to the commencement of any work on the project for which application for a grant has been made, matching money from a nonstate source. The certification of the source and amount of the funds shall be set forth in the application for a grant submitted to the department. Local matching money shall not be required with respect to a grant recipient that has urgent unmet needs for recreational lands and lacks the financial resources to acquire recreational lands, as determined pursuant to a formula set forth in regulations adopted by the Director of Parks and Recreation after a public hearing.

(f) Applications for individual projects may be submitted directly to the Director of Parks and Recreation by individual jurisdictions. 5096.157. (a) An application for a local assistance grant pursuant to this article shall be submitted to the Director of Parks and Recreation for review. The application shall be accompanied by certification from the planning agency of the applicant that the project is

(b) The Department of Parks and Recreation shall study any project so nominated. In addition to the procedures required by Section 5096, the Department of Parks and Recreation shall submit to the Legislature annually a report consisting of a prioritized listing and comparative evaluation of all projects nominated for study, in accordance with the following schedule:

- (1) March 1, 1981, for projects nominated prior to January 15, 1981.
- (2) November 1, 1981, for projects nominated prior to June 30, 1981, and after January 15, 1981.
- (3) November 1, 1982, and each November 1 thereafter for projects nominated during the 12 months ending June 30, 1982, and each June 30 thereafter.

(c) Projects proposed for appropriation for the state park system pursuant to subdivision (b) of Section 5096.151 shall be subject to the favorable recommendation of the State Park and Recreation Commission. Projects recommended by the commission shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

5096.163. 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).

Article 5. Coastal Resources

5096.171. Funds available pursuant to subdivision (c) of Section 5096.151 shall be expended pursuant to this article.

5096.172. (a) Any Member of the Legislature, the California Coastal Commission, the State Coastal Conservancy, the San Francisco Bay Conservation and Development Commission, the State Park and Recreation Commission, or the Secretary of the Resources Agency may nominate, for study by the Department of Parks and Recreation, any project within the coastal zone for acquisition with funds made available for the state park system pursuant to category (1) of subdivision (c) of Section 5096.151. Any of the commissions, and the conservancy, shall make nominations by vote of its membership.

(b) The Department of Parks and Recreation shall study any project so nominated. In addition to the procedures required by Section 5096, the Department of Parks and Recreation shall submit to the Legislature annually a report consisting of a prioritized listing and comparative evaluation of all projects nominated for study, in accordance with the following schedule:

- (1) March 1, 1981, for projects nominated prior to January 15, 1981.
- (2) November 1, 1981, for projects nominated prior to June 30, 1981, and after January 15, 1981.
- (3) November 1, 1982, and each November 1 thereafter for projects nominated during the 12 months ending June 30, 1982, and each June 30 thereafter.

(c) In making the prioritized listing and comparative evaluation

consistent with the park and recreation plan for the applicant's jurisdiction and would satisfy a demonstrated need.

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

(c) Every application for a grant shall comply with the provisions of the California Environmental Quality Act (Division 13 commencing with Section 21000).

(d) Upon completion of the review of applications submitted pursuant to subdivision (a), approved projects shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

5096.158. (a) No state grant funds may be disbursed until the applicant agrees that any property acquired or developed with such funds shall be used by the applicant only for the purpose for which the funds were requested and that no other use of the property shall be permitted except by specific act of the Legislature.

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

Article 4. State Park System

5096.161. The Legislature recognizes that public financial resources are inadequate to meet all capital outlay needs of the state park system and that the development of recently acquired units of the state park system has proceeded at a rate that has prevented their full potential for public use from being realized. Accordingly, it is declared to be the policy of the state that funds allocated pursuant to subdivision (b) of Section 5096.151 shall be appropriated primarily for projects that accomplish the following:

- (a) Serve metropolitan population centers and accommodate day-use and weekend-overnight visits.
 - (b) Provide for the development of existing units with the minimum facilities necessary for accessibility, use, and interpretation.
 - (c) Rehabilitate facilities at existing units that will provide for more efficient management and reduced operational costs.
 - (d) Minimize dependence on motor vehicles and reduce other forms of energy and water consumption through appropriately designed facilities.
 - (e) Preserve examples of historical resources and natural landscapes that are underrepresented in the state park system.
- 5096.162. (a) Any Member of the Legislature, the State Park and Recreation Commission, the California Coastal Commission, or the Secretary of the Resources Agency may nominate any project to be funded under this article for study by the Department of Parks and Recreation. Any of the commissions shall make nominations by vote of its membership.

of potential acquisition sites, the department shall adhere to the following criteria and priorities:

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

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

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

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

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

(B) Remaining areas of high recreational value.

(C) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, including, but not limited to, 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 especially important.

(D) Highly scenic areas that are or include landscape preservation projects; 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 or historical districts designated by cities and counties within the coastal zone.

5096.173. (a) The State Coastal Conservancy and the California Coastal Commission shall prepare and adopt priorities, criteria, and procedures for the disbursement and administration of grants of funds made available pursuant to category (2) of subdivision (c) of Section 5096.151 for the implementation of local coastal programs. The procedures shall include provisions that will serve as an incentive to local governments for timely submittal of their local coastal programs, in accordance with the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)).

(b) In consultation with the San Francisco Bay Conservancy and Development Commission, the State Coastal Conservancy shall prepare and adopt priorities, criteria, and procedures for the disbursement and administration of grants for the implementation of projects in San Francisco Bay.

(c) In consultation with the Santa Monica Mountains Conservancy, the State Coastal Conservancy shall prepare and adopt priorities, criteria, and procedures for the disbursement and administration of grants for the implementation of projects in the Santa Monica Moun-

tains Zone.

(d) The procedures required by this section shall specify the categories of expenditures eligible for grants and shall include procedures for the submittal, review, and approval of applications and the disbursement of grant funds.

5096.174. (a) An application for a grant shall be submitted to the State Coastal Conservancy for preliminary evaluation, review of adequacy, and classification as a park, beach, coastal access, or other project necessary to preserve coastal resource values.

(b) The minimum amount that may be applied for any individual project is one thousand dollars (\$1,000).

(c) Every application for a grant shall comply with the provisions of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

5096.175. (a) After completing the evaluation, review, and classification of an application, the State Coastal Conservancy shall forward the application to the California Coastal Commission for a determination as to its consistency with the approved land use plan of the applicable local coastal program or to the San Francisco Bay Conservancy and Development Commission for a determination as to its consistency with the San Francisco Bay Plan or the Suisun Marsh Protection Plan.

(b) Applications which are determined by the California Coastal Commission to be consistent with the approved land use plan of the applicable local coastal program, or by the San Francisco Bay Conservancy and Development Commission to be consistent with the bay or marsh plan, shall be returned to the State Coastal Conservancy for the purpose of disbursing grants consistent with priorities and criteria developed pursuant to Section 5096.173.

(c) Grants for projects in the Santa Monica Mountains Zone shall be disbursed consistent with the provisions of Division 23 (commencing with Section 33000).

5096.176. Funds granted pursuant to category (2) of subdivision (c) of Section 5096.151 may be expended for development, rehabilitation, or restoration only on lands owned by, or subject to a lease or other interest held by, the applicant city, county, or district. If such lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the Executive Officer of the State Coastal Conservancy that the development, rehabilitation, or restoration will provide benefits commensurate with the type and duration of interest in land held by the applicant.

5096.177. No state grant funds may be disbursed until the applicant agrees that any property acquired or developed with such funds shall be used by the applicant only for the purpose for which the funds were requested and that no other use of the property shall be permitted except by specific act of the Legislature.

5096.178. (a) An amount, not to exceed nine hundred thousand dollars (\$900,000) in the aggregate, shall be available for appropriat-

tion during the 1980-81, 1981-82, and 1982-83 fiscal years, in amounts to be determined in each annual appropriation, from funds available pursuant to category (2) of subdivision (c) of Section 5096.151, in the manner provided in Section 5096.206, to the State Coastal Conservancy for expenditure for the administration of Sections 5096.173 to 5096.177, inclusive; provided, however, that not more than three hundred fifty thousand dollars (\$350,000) may be appropriated in any one such fiscal year.

(b) An amount, not to exceed five million dollars (\$5,000,000) in the aggregate shall be available for appropriation commencing with the 1980-81 fiscal year from funds available pursuant to category (2) of subdivision (c) of Section 5096.151, in the manner provided in Section 5096.206, for projects in San Francisco Bay; and an amount, not to exceed five million dollars (\$5,000,000) in the aggregate, shall be available, for projects in the Santa Monica Mountains Zone.

Article 6. Miscellaneous Provisions

5096.191. Projects authorized for the purposes set forth in subdivision (b), category (1) of subdivision (c), and subdivision (d) of Section 5096.151 shall be subject to augmentation as provided in Section 16352 of the Government Code, as limited by any provision of the Budget Act. The unexpended balance in any appropriation made payable from the 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.

5096.192. The Director of Parks and Recreation may make agreements with respect to any real property acquired pursuant to subdivision, (b) and category (1) of subdivision (c) of Section 5096.151, and the Executive Officer of the State Coastal Conservancy may make agreements with respect to any real property acquired pursuant to subdivision (d) of Section 5096.151 for the 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 appropriate director or officer 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 appropriate director or officer.

5096.193. All real property acquired pursuant to this chapter shall be acquired in compliance with the provisions of Chapter 16 (com-

mencing with Section 7260) of Division 7 of Title 1 of the Government Code. The Department of Parks and Recreation or the State Coastal Conservancy, as the case may be, shall prescribe procedures sufficient to assure such compliance by local public agencies.

5096.194. For the purposes of this chapter, acquisition may include gifts, purchases, leases, easements, the exercise of eminent domain if expressly authorized, the transfer or exchange of property for other property of like value, and purchases of development rights and other interests.

5096.195. 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 departmental director 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 specified in Section 5096.151.

5096.196. 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 coastal or historical resources. No funds derived from the bonds authorized by this division 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.

5096.197. (a) Prior to recommending the acquisition of lands that are located on or near tidelands, submerged lands, swamp or overflowed lands, or other wetlands, whether or not such lands have been granted in trust to a local public agency, the Director of Parks and Recreation or, the Executive Officer of the State Coastal Conservancy, or the Executive Director of the San Francisco Bay Conservation and Development Commission, as the case may be, shall submit to the State Lands Commission any proposal by a state or local public agency for the acquisition of such lands pursuant to this chapter. The State Lands Commission shall, within three months 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 person making the submittal and to the Department of General Services.

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

Article 7. Fiscal Provisions

5096.201. Bonds in the total amount of two hundred eighty-five million dollars (\$285,000,000), or so much thereof as is necessary, may

be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest on the bonds as the principal and interest become due and payable.

5096.202. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such a sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on the bonds maturing each year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which shall be necessary to collect that additional sum.

5096.203. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, 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 principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 5096.205, which sum is appropriated without regard to fiscal years.

5096.204. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Parklands Fund of 1980, which is hereby created. The money in the fund may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner prescribed in this chapter.

5096.205. For the purposes of carrying out the provisions of this article, 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 moneys deposited in the fund for expenditure for the purposes of subdivision (d) of Section 5096.151 shall be transferred to the State Constal Conservancy upon appropriation by the Legislature in the manner provided in Section 5096.206. Any moneys deposited in the fund for expenditure for the purposes of subdivision (e) of Section 5096.151 shall be appropriated to the Department of Parks and Recreation in the manner provided in Section 5096.206. Any amounts withdrawn shall be deposited in the fund. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds for the purpose of carrying out the provisions of this chapter.

5096.206. All proposed appropriations for the program shall be included in a section in the Budget Bill for the 1980-81 fiscal year and each succeeding fiscal year for consideration by the Legislature and

shall bear the caption "Parklands Acquisition and Development Program." The section shall contain separate items for each project, each class of projects, or each element of the program for which an appropriation is made.

All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from such laws by a statute enacted by the Legislature. Such section shall contain proposed appropriations only for the program elements and classes of projects 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 section of the Budget Act.

5096.207. 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.

5096.208. For the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Parklands Program 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 Parklands Program Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law, and the State Treasurer shall serve as chairman of the committee. The Secretary of the Resources Agency is hereby designated as "the board" for the purposes of the State General Obligation Bond Law.

5096.209. As used in this chapter, and for the purposes of the State General Obligation Bond Law, "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, districts, and public agencies.

5096.210. All money deposited in the fund 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.

5096.211. Commencing with the Budget Bill for the 1990-91 fiscal year, the balance remaining in the fund may be appropriated by the Legislature for expenditure, without regard to the maximum amounts allocated to each element of the program, for any or all elements of the program specified in Section 5096.151, or any class or classes of projects within such elements, that the Legislature deems to be of the highest priority.

5096.212. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

5096.213. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

SEC. 2. Section 1 of this act shall become operative December 1, 1980, if the people at the special election provided in Section 3 of this act adopt the Parklands Acquisition and Development Program, as set forth in Section 1 of this act.

SEC. 3. A special election is hereby called to be held throughout the state on the fourth day of November, 1980. The special election shall be consolidated with the 1980 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.

SEC. 4. (a) 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.

(b) Notwithstanding Section 3525 of the Elections Code or any other provisions of law, the measure shall be submitted at such special election if the measure is adopted by the Legislature prior to July 1, 1980.

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 4 (commencing with Section 3525) and Article 6 (commencing with Section 3559) of Chapter 1 of Division 5 of the Elections Code.

SEC. 6. Notwithstanding any other provision of law, all ballots of the election shall have printed thereon and in a square thereof, the words: "For the Parklands Acquisition and Development Program," and in the same square under those words, the following in eight-point type: "This act provides for meeting the urgent recreational requirements of the people of California through the acquisition, development, rehabilitation, and restoration of state and local parks, public beaches and other important coastal resources, recreation areas and recreational facilities, and historical resources pursuant to a bond issue of two hundred eighty-five million dollars (\$285,000,000)." In the square immediately below the square containing such

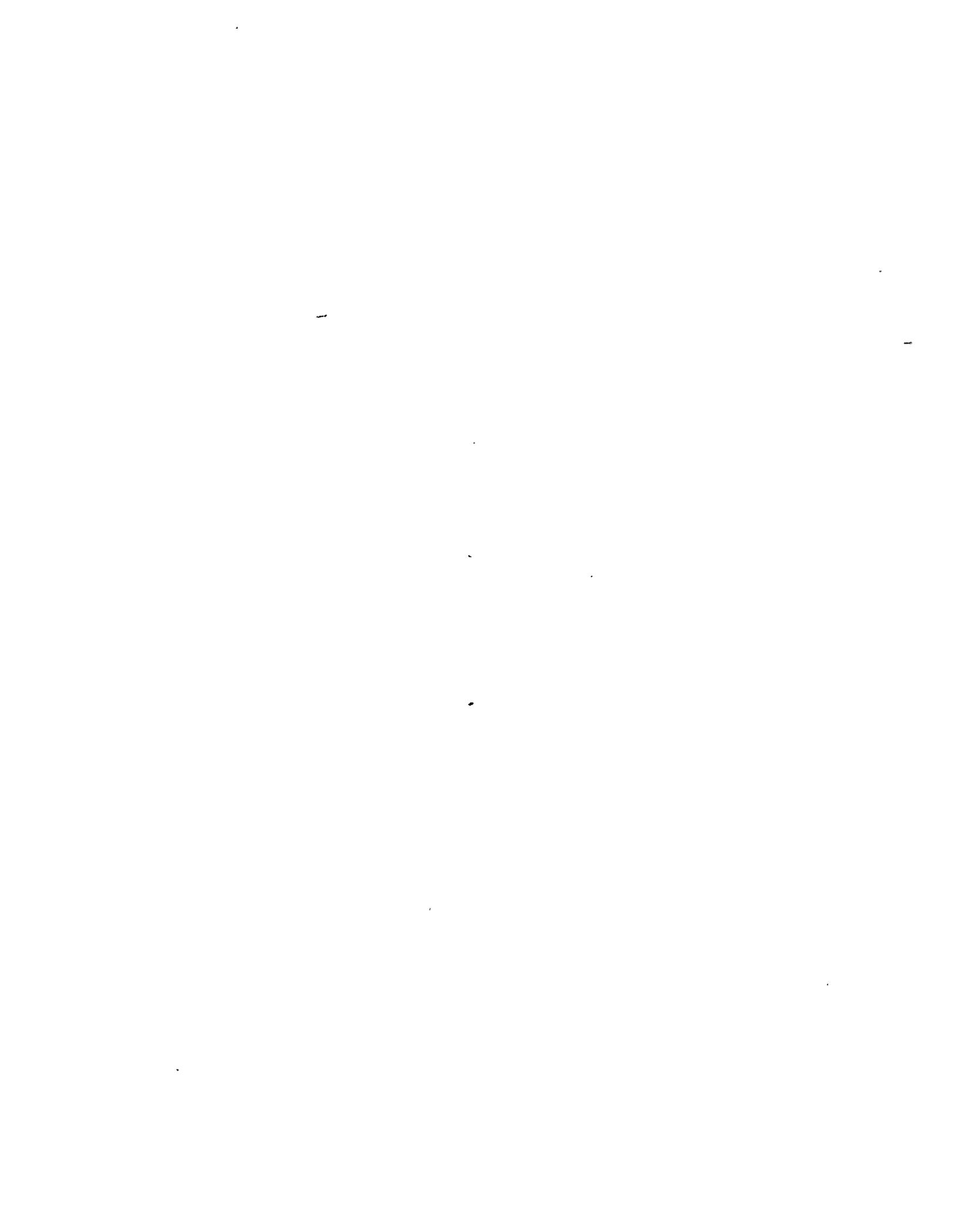
words, there shall be printed on the ballot the words, "Against the Parklands Acquisition and Development Program," and in the same square immediately below those words, in eight-point type: "This act provides for meeting the urgent recreational requirements of the people of California through the acquisition, development, rehabilitation, and restoration of state and local parks, public beaches and other important coastal resources, recreation areas and recreational facilities, and historical resources pursuant to a bond issue of two hundred eighty-five million dollars (\$285,000,000)." Opposite the words "For the Parklands Acquisition and Development Program," and "Against the Parklands Acquisition and Development Program," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act. Where the voting of the 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 shall include the submission of this act to the people, as aforesaid, in his proclamation calling for the election.

SEC. 7. If it appears that the act shall have received a majority of all the votes cast for and against it at the election, then the same shall have effect as provided in Section 2, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged.

SEC. 8. The Legislature hereby finds and declares that it is desirable that the people of the state have notice, prior to the election called by this act, of the proposed disposition and allocation of the proceeds of the bonds to be issued pursuant to the Parklands Acquisition and Development Program.

SEC. 9. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because any additional duties imposed on local government will be expressly approved by a majority of the voters of this state through the election process.

SEC. 10. This act calls an election within the meaning of Article IV of the Constitution and shall go into immediate effect.



APPENDIX B
County Allocations

APPENDIX B

County Allocations

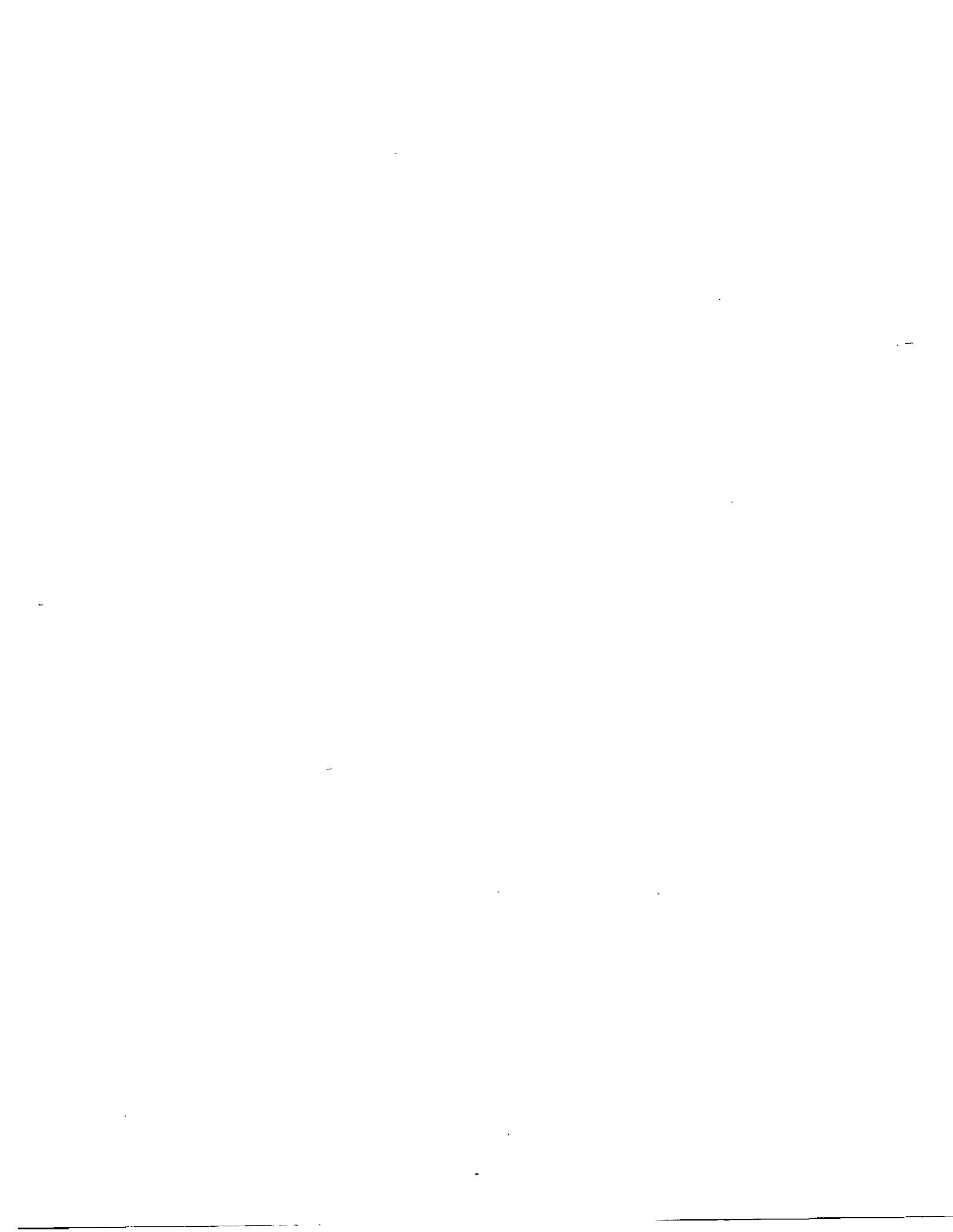
CALIFORNIA PARKLANDS ACT OF 1980
GRANT ALLOCATIONS TO COUNTIES
Section 5906.151(a) \$85,000,000

<u>COUNTY</u>	<u>AMOUNT</u>	<u>COUNTY</u>	<u>AMOUNT</u>
Alameda	\$3,896,850	Orange	\$6,726,633
Alpine	100,000	Placer	411,856
Amador	100,000	Plumas	100,000
Butte	500,897	Riverside	2,307,957
Calaveras	100,000	Sacramento	2,732,229
Colusa	100,000	San Benito	100,000
Contra Costa	2,289,155	San Bernardino	2,957,490
Del Norte	100,000	San Diego	6,414,450
El Dorado	309,690	San Francisco	2,280,641
Fresno	1,741,078	San Joaquin	1,153,269
Glenn	100,000	San Luis Obispo	530,695
Humboldt	381,348	San Mateo	2,090,145
Imperial	335,,232	Santa Barbara	1,046,846
Inyo	100,000	Santa Clara	4,488,206
Kern	1,359,729	Santa Cruz	632,506
Kings	254,351	Shasta	409,373
Lake	124,869	Sierra	100,000
Lassen	100,000	Siskiyou	143,139
Los Angeles	25,410,583	Solano	799,945
Madera	211,072	Sonoma	1,008,888
Marin	798,881	Stanislaus	904,950
Mariposa	100,000	Sutter	178,790
Mendocino	236,613	Tehama	135,511
Merced	456,554	Trinity	100,000
Modoc	100,000	Tulare	832,936
Mono	100,000	Tuolumne	125,224
Monterey	997,892	Ventura	1,810,253
Napa	331,330	Yolo	391,636
Nevada	174,388	Yuba	175,420
			\$82,000,000
	Contingencies and Administration (3.58%)		<u>3,000,000</u>
			\$85,000,000

*Population Source: State Department of Finance, January 1, 1980

APPENDIX C

Example: state/applicant agreement



PROJECT AGREEMENT

CALIFORNIA PARKLANDS ACT OF 1980

APPLICANT _____

PROJECT TITLE _____ PROJECT NUMBER _____

PROJECT PERFORMANCE PERIOD Date of Appropriation to June 30, 19

Under the terms and conditions of this agreement, the applicant agrees to complete the project as described in the project description, and the State of California, acting through its Director of Parks and Recreation pursuant to the California Parklands Act of 1980, agrees to fund the project up to the total state grant amount indicated.

PROJECT DESCRIPTION:

Total State Grant not to exceed \$ _____

Applicant

By _____
Signature of Authorized Representative

Title _____

Date _____

By _____

Title _____

Date _____

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

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

Date _____

CERTIFICATION OF FUNDING

CONTRACT NUMBER		FUND PARKLANDS FUND OF 1980			
Project No.	AMOUNT OF THIS ESTIMATE	APPROPRIATION			
	\$ UNENCUMBERED BALANCE	ITEM	CHAPTER	STATUTES	FISCAL YEAR
	\$ ADJ. INCREASING ENCUMBRANCE	FUNCTION			
	\$ ADJ. DECREASING ENCUMBRANCE	LINE ITEM ALLOTMENT			
I hereby certify upon my own personal knowledge that budgeted funds are available for this encumbrance.				T.B.A. No.	B.R. No.
SIGNATURE OF ACCOUNTING OFFICER				DATE	

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 California Parklands Act of 1980.
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 or Force Account Schedule 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. Applicant in acquiring real property, the eligible cost of which is to be reimbursed with grant moneys under this agreement, shall comply with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code and any applicable federal, state, or local laws or ordinances. Documentation of such compliance will be made available for review by the State upon request.
8. 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.

C. Project Costs

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

1. If the Project includes acquisition of real property, the State may 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 may disburse the amount of the State approved purchase price together with State approved costs of acquisition.
 - b. When acquisition is through proceedings in eminent domain, State may disburse the amount of the total award as provided for in the final order of condemnation together with State approved costs of acquisition.
 - c. In the event 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 may 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 100% 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 should place such moneys in a separate interest bearing account, setting up and identifying such account prior to the advance, interest earned on grant moneys shall be used on the project or paid to the State. If grant moneys are advanced and not expended, the unused portion of the grant shall be returned to the State within 60 days of completion of the Project or end of the Project performance period, whichever is earlier.
5. Income earned by the Applicant from a State approved non-recreational use on a grant project shall be used for recreational purposes at the grant project, or, if approved by the State, for recreational purposes within the Applicants jurisdiction.

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 agrees to maintain and operate the property acquired or developed for a period commensurate with the type of project and the proportion of State Grant funds and local funds allocated to the capital costs of the project.

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

Mr.
State Grants Section
Department of Parks and Recreation
P.O. Box 2390
Sacramento, CA 95811

Re: County Park Development
Project No. _____

Dear _____ :

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

The order of priority for 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 will be 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 tracking of mud and sand from the present gravel walks into the museum. In addition, concrete walks will present a much neater appearance, and will 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.

Erection of a wagon shed is predicated on the dire need for heavy equipment display and storage space. It is obvious that a choice will have to be made between this and 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 expect that the bulk of the improvements planned will be accomplished by force account during 1982 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. After 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 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 before 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 will 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 disassembly. Original material shall be used as much 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 will doubled, with subsequent courses laid 12" to the weather. Shakes will furnished by the _____ County Parks Department.

Wagon Shed

1. Shed construction will depend on the amount of grant money remaining from previously listed improvements, and from the _____ 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 they can be opened for display of old rolling stock.

SCOPE OF THE PROJECT

Under the present grant, only items that would substantially add to the beauty and utility of the existing facilities were considered. It is expected 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

Appendix E
Payment Request and Instructions

Instructions for Completing Payment Request.

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

1. Check appropriate box. Note: Check Urban Grant Program for all grants funded through this program, even though a \$30 million authorization was contained in the 1980 Bond Act.

2. Project Title - Identical with that shown on the project agreement

Applicant - As shown on the project agreement

Project Number - Upper right hand corner of agreement

DPR Contract Number - Upper left portion of Certification of Funding section on project agreement

Item(s) - Directly under Appropriation in the Certification of Funding section on project agreement

3. Payment requests should be numbered in order for each project (1-2-3 etc.) Check advance for all payment requests except the final payment.

4. List expenditures to date.

5. (a) Shown on agreement

(b) Any amounts already received, from this grant only

(c) (a minus b)

(d) Amount you are requesting

6. (c minus d)

7. Name, title, jurisdiction, and address that check is to be mailed to.

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

C-6576D

Instructions for Completing Payment Request

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

1. Check appropriate box. Note: Check Urban Grant Program for all grants funded through this program, even though a \$30 million authorization was contained in the 1980 Bond Act.
2. Project Title - Identical with that shown on the project agreement
Applicant - As shown on the project agreement
Project Number - Upper right hand corner of agreement
DPR Contract Number - Upper left portion of Certification of Funding section on project agreement
Item(s) - Directly under Appropriation in the Certification of Funding section on project agreement
3. Payment requests should be numbered in order for each project (1-2-3 etc.) Check advance for all payment requests except the final payment.
4. List expenditures to date.
5. (a) Shown on agreement
(b) Any amounts already received, from this grant only
(c) (a minus b)
(d) Amount you are requesting
6. (c minus d)
7. Name, title, jurisdiction, and address that check is to be mailed to.
Certification - This must be signed by the person authorized in the resolution passed by the applicant's governing body.

C-6576D

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

PAYMENT REQUEST
State Grant Programs

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

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

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

Project Title _____

Applicant _____

Project Number _____ DPR Contract Number _____

Item(s) _____

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

4. Total Project Expenditures to Date

A. Acquisition

B. Development

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

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

(a) Total Grant Amount \$ _____

(b) Grant Funds Received to Date \$ _____

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

(d) AMOUNT OF THIS PAYMENT REQUEST

5. Payment Request

6. Remaining Grant Funds after this Payment \$ _____

7. Make Warrant Payable to:

Address _____

Certification

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

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

Approved for Payment:

(Signed) (Date)

State Department of Parks and Recreation

