

ATTEST: OCT 15 2013

VERONICA A. FERGUSON, Clerk/Secretary
BY: 
DEPUTY CLERK/ASST SECRETARY

Date: October 15, 2013

Item Number: 26
Resolution Number: 13-0410

4/5 Vote Required

Resolution Of The Board Of Directors Of The Sonoma County Agricultural Preservation and Open Space District, Updating the District's Initial Public Access, and Operations and Maintenance Policy

Whereas, In November of 2006, the voters of Sonoma County approved Measure F (*Sonoma County Open Space, Clean Water, and Farmland Protection Measure*) extending the District's funding for an additional twenty years. Measure F included an Expenditure Plan, which governs the District's expenditure of tax revenues, and which became effective upon voter approval ("2006 Expenditure Plan"); and

Whereas, Paragraph 6 of the 2006 Expenditure Plan authorizes expenditures for initial public access and operation and maintenance of recreational lands as follows:

"Operation and maintenance of land includes limited funding for initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan. No more than 10 percent of total revenues generated over the life of the Measure shall be made available for operation and maintenance purposes."; and

Whereas, this Board finds that the plain language of Paragraph 6 of the 2006 Expenditure Plan authorizes the following expenditures of tax revenues: (1) Payments to entities receiving fee-title transfer of recreational properties, for the purposes of funding operation and maintenance costs that support initial public access; (2) Costs related to resource management and infrastructure maintenance on District lands intended for recreational use; (3) Costs to provide interim access or permit programs, public outings and educational programs on recreational lands protected by the District but not currently open to the general public; (4) Capital improvements to provide initial public access on lands intended for recreational use; and (5) related District staff and legal costs; and

Whereas, in 2007, the Board adopted Resolution No. 07-0666, which approved a policy proposed by the previous General Manager for budgeting funds under Paragraph 6 for operations and maintenance, directing the General Manager to periodically review the policy and recommend any needed changes arising from changed circumstances; and

Whereas, the General Manager has recommended that Resolution No. 07-0666 be updated in order to clarify Board direction and to ensure that funding is available to achieve a balanced program over the life of Measure F.

Now, Therefore, Be It Resolved that with respect to expenditures of tax revenues under Paragraph 6 of the 2006 Expenditure Plan, the policy of the District shall be as follows:

1: Capital Improvements

Expenditures related to capital improvements, including District staff and consultant time, materials and supplies, and legal costs, to support initial public access on District protected lands intended for recreational use shall be included within the 10% cap on operations and maintenance expenditures under Paragraph 6 of the 2006 Expenditure Plan.

2: Payments to Recreational Partners

Payments to entities receiving fee-title transfer of District recreational properties, for the purposes of funding operation and maintenance costs that support initial public access, shall continue and shall be included with the 10% cap on operations and maintenance expenditures under Paragraph 6 of the Expenditure Plan. These payments may be for a period not to exceed three years from the date of fee title transfer and shall be made on a reimbursement basis according to an approved work plan. The District may grant an extension of the three-year time frame in the case of extraordinary circumstances.

3: Recreational Lands Management Costs

Expenditures related to resource management and infrastructure maintenance on District lands intended for recreational use, including District staff and consultant time, materials and supplies, and legal costs, shall be included within the 10% cap on operation and maintenance expenditures under Paragraph 6 of the 2006 Expenditure Plan.

4: Interim Access, Permit, and Outings Costs

Expenditures to provide interim access or permit programs, public outings, and educational programs on recreational lands protected by the District but not currently open to the public, including District staff and consultant time, materials and supplies, and legal costs, shall be included within the 10% cap on operations and maintenance expenditures under Paragraph 6 of the 2006 Expenditure Plan.

5: Annual appropriations for Initial Public Access and O&M Expenditures and Reserve Fund contribution:

As part of the annual budgeting process, the General Manager shall recommend (a) allocations for qualifying initial public access and operations and maintenance expenditures for specific properties or projects, and (b) an annual contribution to the District's Operation and Maintenance Reserve. Total allocations shall not, cumulatively, exceed 10 % of the special tax revenues of the District to the date of the allocation. The Board of Directors will retain the flexibility to re-allocate funds, from the District's Operation and Maintenance Reserve for other purposes eligible under Measure F as it deems appropriate.

Be It Further Resolved that this Resolution clarifies Resolution No. 07-0666. In the event of any inconsistencies, this Resolution shall govern.

Directors:

| | | | | |
|------------|-----------|--------------|---------------|--------------|
| Gorin: Aye | Zane: Aye | McGuire: Aye | Carrillo: Aye | Rabbitt: Aye |
| Ayes: 5 | Noes: 0 | Absent: 0 | Abstain: 0 | |

So Ordered.