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VERONICA A. FERGUSON, Clerk/Secretary
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Date: February 2, 2016

Item Number: 27
Resolution Number: 16-0040

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, Operation 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, the Expenditure Plan authorized the use of sales tax revenues towards the protection of five listed open space designations:

1. Community separators and greenbelts;
2. Scenic landscape units and scenic corridors;
3. Agriculturally productive lands;
4. Biotic habitat areas, riparian corridors; and other areas of biotic Significance; and
5. Other open space projects; and

Whereas, the Expenditure Plan provides that the protection of these agricultural lands and open space "will be accomplished primarily through the purchase of development rights from willing sellers" and may include the purchase of "fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations..."; and

Whereas, in its Paragraph 6, the Expenditure Plan also allows for funding towards "operation and maintenance of land":

"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, 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 operation and maintenance; and

Whereas, pursuant to Resolution No. 07-0666, the District established an Initial Public Access, Operation and Maintenance Fund (IPAOM Fund), which continues to be maintained by the District and expended in accordance with the approved policy, as subsequently amended; and

Whereas, Resolution No. 07-0666 directed the General Manager to periodically review the policy and recommend any needed changes arising from changed circumstances; and

Whereas, in 2013, the General Manager reviewed the policy and recommended certain clarifications, which the Board approved through its adoption of Resolution 13-0410, thereby setting forth additional details regarding eligible expenditures under Paragraph 6 of the Expenditure Plan; and

Whereas, the General Manager has now recommended that Resolutions No. 07-0666 and 13-0410 be updated and replaced in order to consolidate and further clarify the District's policy on the expenditure of funds for initial public access and operations and maintenance (IPAOM Policy); and

Whereas, as it did in 2013, 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 acquiring District-protected recreational lands (both lands previously owned in fee by the District and lands protected by a District-held easement), 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-owned recreational lands during the interim land management period prior to property transfer to a receiving recreational entity;
3. Costs to provide interim access or permit programs, public outings and educational programs on District-protected recreational lands not currently open to the general public;
4. Capital improvements to provide initial public access on District-protected recreational lands; and

Whereas, as it did in 2013, this Board further finds that Paragraph 6 also authorizes expenditures for District staff and legal costs related to all of the above; and

Whereas, to preserve open space and ensure fiscal responsibility, the District supports a low-impact, low-cost approach to recreational improvements and operations, providing safe and high quality recreational opportunities on District-protected recreational lands in a manner consistent with preservation of natural resources, scenic and agricultural values where identified for a particular property; and

Whereas, limiting District funding of recreational improvements to those that are necessary to provide initial public access (including the cost of preliminary planning for and the initial operation and maintenance of those improvements), will help to minimize the impact to the environment and reduce long term maintenance and operational costs. This approach also allows for prudent use of revenues over the life of the Measure F; and

Whereas, Paragraph 6 was intended to provide limited expenditures to assist in “jump starting” some level of initial public access and land maintenance on recreational lands purchased with Measure F funds, and was not intended to fund on-going park operations.

Now, therefore, be it resolved that with respect to expenditures of Measure F sales tax revenues under Paragraph 6 of the 2006 Expenditure Plan, the policy of the District shall be as follows:

A. Eligible Expenditures

The following expenditures shall be eligible for reimbursement under Paragraph 6 of the Expenditure Plan, in accordance with the provisions of this policy. All such expenditures shall be subject to and included within the 10 percent cap on operations and maintenance expenditures established by Paragraph 6. All such expenditures shall be subject to annual review and audit.

1. Payments to Recreational Partners

Payments to entities acquiring a District-protected recreational land, for the purposes of funding operation and maintenance costs that support initial public access. These payments may be for a period not to exceed three years from the date of acquisition by the receiving entity, unless extraordinary circumstances can be demonstrated. Payments shall be made on a reimbursement basis pursuant to a written agreement between the District and the owner of the recreational land and approved by District Counsel. The written agreement shall include an approved workplan and shall be consistent with the terms of a conservation easement held by the District, and to the provisions of a recreational covenant, if required.

2. Recreational Lands Management Costs

Expenditures related to resource management and infrastructure maintenance on District-owned lands intended for recreational use, including District staff and consultant time, materials and supplies, and legal costs.

3. Interim Access, Permit, and Outings Costs

Expenditures to provide interim access or permit programs, public outings, and educational programs on District-protected recreational lands protected by the

District but not currently open to the general public, including District staff and consultant time, materials and supplies, and legal costs.

4. Capital Improvements

Expenditures for capital improvements, including District staff and consultant time, materials and supplies, and legal costs, and/or payments to recreational entities acquiring District-protected recreational land, where those improvements are necessary for initial public access. Where IPAOM funds are provided to another entity, the expenditure is subject to the same requirements outlined above for Payments to Recreational Partners.

B. Administration

1. Budget Process

As part of the District's budgeting process, the General Manager shall recommend an allocation for the IPAOM Fund to allow for reimbursement to recreational partners and the District, for qualified expenditures as defined below, within the cumulative 10 percent cap of the Measure F sales tax revenue received to date. IPAOM funding proposals from entities other than the District will be reviewed by the Fiscal Oversight Commission and approved by the Board of Directors prior to reimbursement. District expenditures of IPAOM funds will be reviewed by the Fiscal Oversight Commission on an annual basis, as described below.

2. Qualified Expenditures

Qualified expenditures include necessary improvements and operational costs that facilitate safe initial public access while protecting conservation values. Examples of necessary improvements include basic recreational amenities such as natural surface multi-use trails, unpaved parking areas, fencing, gates, related signage, and portable, temporary, or permanent restroom facilities. District contribution towards restroom facilities is capped at Twenty-Five Thousand Dollars (\$25,000) per site. Costs of preliminary planning for, and operation and maintenance of, necessary improvements are included. Costs associated with obtaining necessary regulatory approvals and access agreements are also included. Costs of providing universal access opportunities may be included as part of initial public access where appropriate and in accordance with law.

Qualified expenditures do not include off-site road work or major internal road work (turn lanes, ingress road upgrades or realignments), major water or sewer infrastructure improvements, overnight accommodations (huts, hotels, yurts, cabins, tent pads), or more developed recreational amenities (play structures, covered picnic areas). On occasion, there may be extraordinary circumstances that would justify a contribution towards improvements that are otherwise not included in this policy but are necessary to provide initial public access. These may be approved on a case-by-case basis by the

Board of Directors after staff recommendation and Fiscal Oversight Commission review. The intent of this policy is for IPAOM funds to be used for qualified expenses.

3. Annual Review

Reimbursements from the IPAOM Fund to the District and to other entities will be reviewed at the end of each fiscal year by the Fiscal Oversight Commission, in accordance with Sonoma County Board of Supervisors Resolution 10-0832, to confirm that expenditures are consistent with the Expenditure Plan.

4. Cap on Total Expenditures

Total allocations for initial public access, operation and maintenance shall not, cumulatively, exceed 10 percent of the special tax revenues of the District to the date of the allocation.

5. Reallocation of Funds

Funds deposited into the District's IPAOM Fund are not irrevocably committed. The Board of Directors retains the authority to re-allocate funds from the IPAOM Fund for other purposes eligible under Measure F as it deems appropriate; and

Be it further resolved that, the General Manager is directed to periodically review this policy and recommend any changes arising from changed circumstances; and

Be it further resolved that this Resolution supersedes and replaces both Resolution No. 07-0666 and Resolution No. 13-041.

Directors:

Gorin: Aye Rabbitt: Aye Zane: Aye Gore: Aye Carrillo: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

So Ordered.

