

**RESOLUTION NO. 080437**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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**RESOLUTION AUTHORIZING: A) THE PARKS DIRECTOR, OR THE PARKS DIRECTOR'S DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE TUNITAS CREEK BEACH POST-TRANSFER AGREEMENT BETWEEN THE COUNTY OF SAN MATEO ("COUNTY") AND THE PENINSULA OPEN SPACE TRUST ("POST") TO AUTHORIZE THE COUNTY TO UTILIZE GRANT FUNDS TO DESIGN AND CONSTRUCT THE NEW COUNTY PARK AT TUNITAS CREEK BEACH BY REMOVING SECTION 4 OF THE POST-TRANSFER AGREEMENT; AND B) THE PARKS DIRECTOR, OR THE PARKS DIRECTOR'S DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE COWELL-PURISIMA TRAIL AGREEMENT BETWEEN THE COUNTY, POST, AND THE CALIFORNIA STATE COASTAL CONSERVANCY ("COASTAL CONSERVANCY"): (1) TO AUTHORIZE GRANT FUNDS TO BE UTILIZED SOLELY FOR THE DEVELOPMENT OF THE NEW COUNTY PARK AT TUNITAS CREEK BEACH; AND (2) TO AMEND THE AGREEMENT TO AUTHORIZE THE COUNTY TO PERFORM ITS MANAGEMENT RESPONSIBILITIES DURING THE AGREEMENT'S SECOND 5-YEAR TERM AT THE COUNTY'S EXPENSE; AND C) THE PARKS DIRECTOR, OR THE PARKS DIRECTOR'S DESIGNEE, TO EXECUTE FURTHER AMENDMENTS TO THE TERMS AND/OR SERVICES OF BOTH THE TUNITAS CREEK BEACH POST TRANSFER AGREEMENT AND THE COWELL-PURISIMA TRAIL AGREEMENT, SO LONG AS THE MODIFIED TERM(S) AND/OR SERVICES IS/ARE WITHIN THE CURRENT OR REVISE FISCAL PROVISIONS**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, as authorized by County Board Resolution No. 077272 and as a condition of the Purchase and Sale Agreement of the Tunitas Creek Beach property for the property's development as a new County park, on or about March 24, 2020, the County executed two sperate agreements: (1) the Post-Transfer Agreement between the County and the Peninsula Open Space Trust ("POST"), and (2) the Cowell-

Purisima Trail Agreement between the County, the Peninsula Open Space Trust, and the California State Coastal Conservancy (“Coastal Conservancy”); and

**WHEREAS**, the Cowell-Purisima Trail Agreement memorializes the County’s obligation to manage and operate the Cowell-Purisima Trail, located on property owned by POST and Coastal Conservancy, for two consecutive 5-year terms (2019-24 and 2024-29); and

**WHEREAS**, the Post-Transfer Agreement, among other things, sets forth certain financial commitments made by both the County and POST as related to the development of the Tunitas Creek Beach property as a County Park, including that POST would grant \$3.245 million to the County for the park’s design and construction; and

**WHEREAS**, the Post-Transfer Agreement specifically dedicated and restricted \$1 million of the above-described post-closing funds which the County could access to perform its Cowell-Purisima Trail operation and maintenance obligations during the second 5-year term of that agreement (2024-29); and

**WHEREAS**, due to unanticipated, higher costs required for the development of the Tunitas Creek Beach property as a County Park, the County desires to utilize all of the \$3.245 million post-closing funds secured by POST and dedicated for use by County solely for purposes related to the development of the Tunitas Creek Beach property as a new County Park, such that none of these funds remain for County to

access for its Cowell-Purisima Trail management obligations and responsibilities during the second 5-year term of the Trail Agreement; and

**WHEREAS**, with current staffing levels and established operating procedures, the Parks Department is able to satisfy its Cowell-Purisima Trail operation and maintenance obligations without these funds; and

**WHEREAS**, the parties thus desire to amend both the Post-Transfer Agreement and the Cowell-Purisima Trail Agreement to account for this change in available funding sources by: (1) removing Section 4 of the Post-Transfer Agreement, which previously dedicated and restricted \$1 million of POST's \$3.245 million in post-closing funding for use by the County to perform its Cowell-Purisima Trail management and maintenance obligations during the second 5-year term of the Cowell-Purisima Trail Agreement, thus allowing the County to access all of the POST funds to develop the Tunitas Creek Beach property as a new County Park; and (2) making various corresponding modifications to the Cowell-Purisima Trail Agreement to provide that the County will perform its maintenance and operations responsibilities during the agreement's second 5-year term (2024-29) at the County's own expense; and

**WHEREAS**, this Board has been presented with a form of the First Amendments to each of the above-described agreements, has examined and approved them as to both form and content, and desires to enter into them.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that:

1. The Parks Director, or the Parks Director's designee, is authorized to execute the First Amendment to the Tunitas Creek Beach Post-Transfer

Agreement between the County of San Mateo (“County”) and the Peninsula Open Space Trust (“POST”) to authorize the County to utilize grant funds for to design and construct the new County Park at Tunitas Creek Beach by removing Section 4 of the Post-Transfer Agreement; and

2. The Parks Director, or the Parks Director’s designee, is authorized to execute the First Amendment to the Cowell-Purisima Trail Agreement between the County, POST, and the California State Coastal Conservancy (“Coastal Conservancy: (1) authorize grant funds to be utilized solely for the development of the new County Park at Tunitas Creek Beach; and (2) to amend the agreement to authorize the County to perform its management responsibilities during the agreement’s second 5-year term at the County’s expense; and
3. The Parks Director, or the Parks Director’s designee, is authorized to execute further amendments to the terms and/or services of both the Tunitas Creek Beach Post Transfer Agreement and the Cowell-Purisima Trail Agreement, so long as the modified term(s) and/or services is/are within the current or revise fiscal provisions.

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