

To: Parks and Recreation Commission

From: Peggy Jensen, Interim Parks Director

Subject: Draft Land Acquisition and Management Policy

Date: October 3, 2019

Introduction

The San Mateo County Parks Department ("Department") hereby submits the attached Draft Land Acquisition and Management Policy ("Policy") for consideration. The Policy was drafted to ensure that the Board of Supervisors ("Board") and County Manager's Office are properly informed of the opportunities, constraints, and costs associated with (1) purchasing or accepting the transfer of new Property and/or (2) assuming management responsibilities of new Property. The Policy shall only apply when the County is considering purchasing, accepting the transfer of, or managing new parkland, open space, or recreational trails that total more than 5 acres in size or one-quarter mile in length, and that supports passive recreation ("Property"). Should the County consider purchasing, accepting the transfer of, or managing a playground, mini-park, or community park, the Department's separate *Mini-Park Policy* shall apply.

The Policy requires that the Department identify and report to the County Manager, Parks Commission, and Board the condition of the respective Property; the Property's ecological resources; the recreation and program opportunities created by County ownership or management of the Property; and the short-term and long-term financial and staffing obligations required to improve, manage, and operate the Property for recreational, ecological, open space, and educational purposes.

Land Acquisition and Management Policy

Process Initiation

Prior to the County considering the acquisition, acceptance, or management of new Property, the County Manager, upon his/her own determination or upon direction by a Board member or the Board, shall first instruct the Department to conduct an initial assessment of the respective Property to determine its suitability to serve as a County park ("Initial Assessment").

The draft Initial Assessment shall entail the use of Graphic Information System(s) ("GIS") and other available information to identify:

- Potential regional trail connection opportunities created by County ownership or management of the Property;
- New recreation and program opportunities created by County ownership or management of the Property;
- The Property's proximity to other parks and open space preserves to determine if there is a regional deficit in recreation opportunities or if there is synergy created by County ownership or management of the Property;
- Plant and wildlife species known to be present on the Property or thought to be present on the Property;
- Wildfire threats created by vegetation on the Property and fire fuel reduction efforts required to mitigate these risks;
- Existing improvements and recreation facilities on the Property;
- How ownership or management of the Property may impact existing Department operations and County parks;
- Land use and environmental regulations that may govern how the Property can be improved and managed; and
- Other County-related interests that may be impacted by the County's ownership or management of the Property.

The draft Initial Assessment shall be accompanied by a draft Cost-Benefit Analysis that consists of the following:

- The estimated annual operating cost to own and/or manage the Property as a County park, which will be based on forecasted staffing needs and anticipated daily tasks, including, but not be limited to, opening and closing the park, providing direct visitor services, brushing and resurfacing trails, repaving parking lots, cleaning reservation and drop-in sites, enforcing applicable regulations, administering first aide, vegetation management activities, and maintaining visitor serving facilities. The Department will also use comparable parks to estimate potential revenue opportunities that could offset operational costs.
- Any initial and ongoing habitat restoration activities required to restore and preserve the ecological value of the Property and support wildlife known to be on the Property or thought to be on the Property;
- The estimated cost to plan, permit, design, and construct visitor serving amenities and recreation improvements necessary to convert the Property into a County park; and
- The potential impacts to other County parks should requested resources not be appropriated.

The draft Initial Assessment and draft Cost-Benefit Analysis shall be completed and presented to the County Manager within 75 calendar days from the date on which the County Manager instructed the Department to prepare the analysis. This deadline may be extended by the County Manager should it be needed. While the Department will complete the draft Initial Assessment and draft Cost-Benefit Analysis with the then current-year staffing levels and budget appropriations, any investigations requiring professional consulting services will require additional appropriations, which could be funded by Measure K or Non-Department Services. Should the draft Initial Assessment and draft Cost-Benefit Analysis be accepted by the County Manager, the Department will present the information to the Board Member in whose district the Property is located.

Based on the results of the draft Initial Assessment and draft Cost-Benefit Analysis and upon direction from the County Manager, the Department shall prepare a memorandum to be presented to the Board for its consideration in Closed Session. The memorandum shall include the findings from the draft Initial Assessment and draft Cost-Benefit Analysis and a Department recommendation. In order to preserve the integrity of any negotiation process that may occur, the initial information and recommendation shall be presented in Closed Session pursuant to the Brown Act's Safe Harbor for Conferences with Real Property Negotiations.

If during Closed Session, a majority of the Board supports further investigation of the Property, a representative selected by the Board shall be authorized to negotiate the terms of a Purchase and Sale Agreement [for transactions in which the County would purchase the Property] or License and Management Agreement [for situation in which the County would manage the Property, but not own Property] ("Negotiator"). For acquisitions, the Board shall also set a Not-to-Exceed purchase amount. The Board shall also appropriate Non-Departmental Services or Measure K funds to (1) complete the technical studies and due diligence necessary and (2) for acquisitions, staff costs associated with negotiating the Purchase and Sale Agreement.

For Purchase

*Standard County process is for the Real Property Services Manager to serve as the negotiator for property acquisitions. The Department will coordinate with Real Property, or whomever is designated to serve as the Negotiator, to ensure Department work is conducted within the parameters of any negotiated Purchase and Sale Agreement.

Once authorized, the Negotiator will contact the Property's owner to commence negotiations. The Negotiator shall receive authorization for the Department to conduct an unrestricted site visit with required Department staff members as soon as practicable. This may include, but is not limited to, the director, assistant director, superintendent, natural resource manager, Department's arborist, and potential supervising ranger. If determined to be necessary, the Department will seek assistance

from professional staff at the Department of Public Works, Planning and Building Department, local fire agency or any other department or agency deemed necessary by the Department. Based on conditions observed during the site visit, Department staff will prepare a list of technical studies and reports necessary to properly identify the condition of the Property. These technical studies and reports will serve to help inform the Board whether the County should purchase the Property.

These technical studies and reports may include, but are not limited to:

- ADA Compliance Assessment;
- Appraisal;
- Archeological/Cultural Resource Survey;
- Biological Resource Assessment;
- Geotechnical Investigations;
- Hazard Tree Assessment;
- Phase 1 and Phase 2 Environmental Site Assessment;
- Property Boundary and Topographic Survey and Mapping;
- Property Condition Assessment;
- Road and Trail Assessments;
- Water Feasibility Study;
- Wetland Delineation; and
- Wildfire Risk Assessment.

Recommendation – Acquisitions

Within 30 calendar days of completion of all technical studies and reports, and before the expiration of the Purchase and Sale Agreement, the Department's director, or Director's designee, shall update the draft Initial Assessment and draft Cost-Benefit Analysis and provide a memo to the County Manager with the following sections and information:

1) Property Condition:

- a. The condition of the Property, including existing improvements, recreational facilities, and identified deficiencies (example: lack of

known potable water source, unstable geology, excessive fire fuel loads, etc.);

- b. Plant and wildlife species known to be present on the Property or likely to be present on the Property; and
- c. Any known sensitive cultural resources on the Property.

2) Opportunities and Constraints:

- a. Habitat restoration and vegetation management activities required to restore and preserve the Property's ecological value;
- b. Recreation and program opportunities created by County ownership of the Property, including regional trail connection opportunities; and
- c. Fire fuels loads present on the Property and the level of effort required to reduce the threat of wildfire and enhance public safety.

3) Cost-Benefit Analysis:

- a. A refined estimated annual operating cost to manage the Property as a County park, which will be based on forecasted staffing needs and associated salaries and benefits, and anticipated daily tasks, including, but not be limited to, opening and closing the park, providing direct visitor services, brushing and resurfacing trails, repaving parking lots, cleaning reservation and drop-in sites, enforcing applicable regulations, administering first aid, vegetation management activities, and maintaining visitor serving facilities. As part of the Cost-Benefit Analysis, the Department will use the estimated annual operating cost to project expenses for the first 10 years of operating the park. The Department will also use comparable parks to estimate potential revenue opportunities that could offset operating costs.
- b. An estimate of expenses associated with purchasing equipment and supplies necessary to operate the Property as a County park; and
- c. A refined estimated range of the costs to plan, permit, design, and construct visitor serving amenities necessary to convert the Property to a County park.

4) Department Recommendation:

- a. The Department's recommendation based on the Property's Condition, Opportunities and Constraints, and Cost-Benefit Analysis.

Based on the Department's report, the County Manager shall determine if the Department should further refine its investigation, discuss the proposed acquisition with the Board in Closed Session, or present the recommendation to the Board in open session for its consideration.

For Property Management

Should the Board desire, based on the findings of the draft Initial Assessment and draft Cost-Benefit Analysis, for the County to manage the Property rather than own the Property, and should the Property owner concur with the decision, the Board shall create an Ad Hoc Committee to consider the matter and make a recommendation to the Board. The Ad Hoc Committee shall be comprised of the Board Member that represents the district in which the Property is located and one other Board member. Establishment of the Ad Hoc Committee must be done in Open Session.

Prior to the first Ad Hoc Committee meeting, the Department shall meet with the Property owner to outline the scope of possible management activities. Based on the agreed-upon scope of possible management activities, the Department and Property owner will conduct a site visit to inspect the Property, including all improvements and features whose management may become the Department's responsibility. Within 30 calendar days of the site visit, the Department shall update the draft Initial Assessment and draft Cost Benefit Analysis and report its findings to the Ad Hoc Committee.

Based on the findings of the site visit and updated Initial Assessment and Cost-Benefit Analysis, the Department shall make a recommendation to the Ad Hoc Committee regarding those management responsibilities, if any, which the Department may appropriately assume. If the Ad Hoc Committee does not accept the proposed management responsibilities, the Department will provide a written report to the Board and notify the Property owner. Should the Ad Hoc Committee accept the proposed

management responsibilities, or a modification thereof, the Ad Hoc Committee's recommendation will be presented to the full Board for its consideration. Should the Board reject the management responsibilities approved by the Ad Hoc Committee, the Department will notify the Property owner. Should the Board approve the management responsibilities approved by the Ad Hoc Committee, or a modification thereof, the Department will commence negotiations with the Property owner regarding the terms of the License and Management Agreement. Upon final negotiation of the agreement, the Department shall present the proposed agreement to the full Board for final consideration.

Parks Commission

If after receiving the draft Initial Assessment and draft Cost-Benefit Analysis the Board votes in Closed Session to proceed with the acquisition of a Property, the Department will update the draft Initial Assessment and draft Cost-Benefit Analysis and conduct a conference with the Parks Commission in Closed Session. The Parks Commission will be asked to provide a recommendation regarding the County's acquisition of the respective Property. Any recommendation adopted by the Parks Commission will be included in future presentations to the Board.

If the Board desires for the Department to manage a Property, and the Ad Hoc Committee adopts the Department's recommendation or a variation thereof, the Department will present the adopted recommendation to the Parks Commission in a public forum. The Parks Commission will be asked to provide a recommendation regarding proposed management responsibilities. Any recommendation adopted by the Parks Commission will be included in future presentations to the Board.

Next Steps

Upon receiving Parks Commission feedback on this Policy, the Department will make appropriate modifications and present the Policy to the Board for consideration at its October 22, 2019 meeting.