

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: PARKS AND RECREATION
Urgent _____ Routine _____

BOARD AGENDA# *B-3

AGENDA DATE September 28, 2004

CEO Concurs with Recommendation YES 14 NO _____
(Information Attached)

4/5 Vote Required YES _____ NO ✓

SUBJECT:

APPROVAL OF AGREEMENTS WITH THE CITIES OF CERES, OAKDALE AND RIVERBANK AND REQUIRED RESOLUTIONS PROVIDING FOR THE TRANSFER OF STATE OF CALIFORNIA PROPOSITION 40 – 2002 RESOURCES BOND ACT PROGRAM FUNDS.

STAFF

RECOMMEN-1. AUTHORIZE THE INTERIM CHIEF EXECUTIVE OFFICER TO EXECUTE AGREEMENTS
DATIONS: WITH THE CITIES OF CERES, OAKDALE AND RIVERBANK TO PROVIDE FOR THE TRANSFER OF A PORTION OF STANISLAUS COUNTY'S STATE OF CALIFORNIA PROPOSITION 40 – 2002 RESOURCES BOND ACT PROGRAM FUNDS.

2. ACKNOWLEDGE THAT REQUESTS HAVE BEEN RECEIVED FOR STATE OF CALIFORNIA PROPOSITION 40 – RESOURCES BOND ACT PROGRAM FUNDS FROM THE CITY OF CERES IN THE AMOUNT OF \$450,000 (PER CAPITA PROGRAM), CITY OF OAKDALE IN THE AMOUNT OF \$450,000 (PER CAPITA PROGRAM), AND CITY OF RIVERBANK THE AMOUNT OF \$400,000 (PER CAPITA AND ROBERTI-Z'BERG-HARRIS PROGRAMS).

CONTINUED ON PAGE 2

FISCAL IMPACT:

There is no direct fiscal impact on the County's Budget for the transfer of Stanislaus County allocations of State of California Proposition 40 – 2002 Resources Bond Act funds to the Cities. If the Board of Supervisors approves the agreements providing for the transfer of funds to the Cities of Ceres (\$450,000), Oakdale (\$450,000), and Riverbank (\$400,000), Stanislaus County's Grant Program allocation would be reduced by up to \$1,300,000. The use by the Cities of these allocations would mitigate impacts on the Cities' recreational infrastructure caused by growth in surrounding unincorporated county areas.

BOARD ACTION AS FOLLOWS:

No. 2004-742

On motion of Supervisor Paul, Seconded by Supervisor Simon
and approved by the following vote,

Ayes: Supervisors: Paul, Mayfield, Grover, Simon, and Chairman Caruso

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

APPROVAL OF AGREEMENTS WITH THE CITIES OF CERES, OAKDALE AND RIVERBANK AND REQUIRED RESOLUTIONS PROVIDING FOR THE TRANSFER OF STATE OF CALIFORNIA PROPOSITION 40 – 2002 RESOURCES BOND ACT PROGRAM FUNDS.

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STAFF RECOMMENDATIONS CONTINUED:

3. AUTHORIZE THE TRANSFER OF \$450,000 OF STANISLAUS COUNTY'S STATE OF CALIFORNIA PROPOSITION 40 – 2002 RESOURCES BOND ACT PER CAPITA PROGRAM FUNDS TO THE CITY OF CERES, TO BE USED PURSUANT TO THE AGREEMENT.

4. AUTHORIZE THE TRANSFER OF \$450,000 OF STANISLAUS COUNTY'S STATE OF CALIFORNIA PROPOSITION 40 – 2002 RESOURCES BOND ACT PER CAPITA PROGRAM FUNDS TO THE CITY OF OAKDALE, TO BE USED PURSUANT TO THE AGREEMENT.

5. AUTHORIZE THE TRANSFER OF \$379,000 OF STANISLAUS COUNTY'S STATE OF CALIFORNIA PROPOSITION 40 – 2002 RESOURCES BOND ACT PER CAPITA PROGRAM FUNDS, AND \$21,000 OF 2002 RESOURCES BOND ACT ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION GRANT PROGRAM FUNDS TO THE CITY OF RIVERBANK, TO BE USED PURSUANT TO THE AGREEMENT.

6. AUTHORIZE THE INTERIM CHIEF EXECUTIVE OFFICER OR DESIGNEE TO SIGN THE AMENDMENTS TO THE GRANT CONTRACTS WITH THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE PROPOSITION 40 – 2002 RESOURCES BOND ACT PER CAPITA GRANT PROGRAM AND THE ROBERTI-Z'BERG-HARRIS BLOCK GRANT PROGRAM REFLECTING STANISLAUS COUNTY'S AMENDED GRANT AMOUNTS.

7. APPROVE AND ADOPT RESOLUTIONS REQUIRED BY THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE TRANSFER OF STANISLAUS COUNTY'S PROPOSITION 40 – 2002 RESOURCES BOND ACT PROGRAM FUNDS TO THE CITIES OF CERES, OAKDALE AND RIVERBANK.

DISCUSSION:

The California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (2002 Resources Bond Act), Per Capita Program and Roberti-Z'Berg-Harris Urban Open Space and Recreation Grant Programs, allocated \$2,012,635 to Stanislaus County. On November 4, 2003, the Board of Supervisors approved a resolution authorizing the Director of the Parks and Recreation Department (the "Department") to apply for these grant programs. In January 2004, the Department received copies of the fully executed contracts for the 2002 Resources Bond Act Per Capita and Roberti-Z'Berg-Harris Grant Programs from the Resources Agency, Department of Parks and Recreation, State of California. The performance period for these programs is from July 1, 2003 through June 30, 2011.

In June 2003, the Board of Supervisors adopted the Final Budget for fiscal year 2003-2004. In that budget document, it was noted that requests to consider the use of \$450,000 of Resources Bond Act funds for each of the Cities of Ceres and Oakdale and \$400,000 for the City of Riverbank for assistance with various park improvement projects had been received from the Cities.

APPROVAL OF AGREEMENTS WITH THE CITIES OF CERES, OAKDALE AND RIVERBANK AND REQUIRED RESOLUTIONS PROVIDING FOR THE TRANSFER OF STATE OF CALIFORNIA PROPOSITION 40 – 2002 RESOURCES BOND ACT PROGRAM FUNDS.

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The Board of Supervisors adopted the Parks Master Plan in August of 1999. As part of that document, rapid future growth was projected for Stanislaus County to the year 2015; with 85% of the growth anticipated within existing cities. As the incorporated areas of the County continue to grow, cities such as Ceres and Riverbank will face recreation demands that will require new neighborhood and community parks.

On February 17, 2004, the Board of Supervisors adopted a resolution authorizing the Director of the Parks and Recreation Department to negotiate agreements providing for the transfer of funds with the Cities of Ceres, Oakdale and Riverbank, and directing that the agreements be submitted to the Board for consideration of approval. The Director worked with the Office of County Counsel to negotiate agreements with the three Cities.

The agreements (Attachment A, B & C) contain provisions to ensure that the projects for which the Cities intend to use the funds would be eligible for funding, and provide for the return of the funds to the County if the City did not use them by specified dates, among other things. The agreements also provide that the Cities agree that any charges to users of any projects funded by the funds would be the same amount for all users throughout Stanislaus County, and that all citizens of Stanislaus County would be entitled to utilize the same facilities in the same manner as any resident of the City.

Ceres would use its allocation to offset the costs of the development of Ceres River Bluff Regional Park. This 76 acre park is designed for five phases to include: five full-size soccer fields, two softball fields, a full-size basketball court, sand volleyball court, playground equipment, group picnic area, concession stand, restrooms, biking/hiking trails, wetlands area and access to the Tuolumne River. Phase 1 is completed and includes the main entryway off of Hatch Road, irrigation infrastructure, parking and two full-sized soccer fields. The ribbon cutting ceremony for Phase 1 was held on Saturday, September 11, 2004 at 10:00 A.M. On July 12, 2004, the Ceres City Council approved the required resolution for pass-through funding and the agreement between Stanislaus County and the City of Ceres.

Oakdale would use its allocation to develop an urban park adjacent to the new downtown Community Center. The park, about an acre in size, would include extensive landscaping, an outdoor performance area, a water feature, and general public gathering area. On August 2, 2004, the Oakdale City Council approved the required resolutions for pass-through funding and the agreements between Stanislaus County and the City of Oakdale.

Riverbank would use its allotment towards the development of a large park in the Riverbank area to serve eastern County residents including those residing in northeast Modesto. This would be a multi-use facility focusing on sports, thus serving the needs of economically disadvantaged areas within the jurisdiction. Such uses by the Cities of the grant program allocations would mitigate impacts on the Cities' recreational infrastructures caused by growth in surrounding unincorporated county areas. On June 28, 2004, the Riverbank City Council approved the required resolutions for pass-through funding and the agreement between Stanislaus County and the City of Riverbank.

Pursuant to the Procedural Guides for the State of California Proposition 40 – 2002 Resources Bond Act Per Capita Program, and the Roberti-Z'berg-Harris Urban Open Space and Recreation Grant Program,

APPROVAL OF AGREEMENTS WITH THE CITIES OF CERES, OAKDALE AND RIVERBANK
AND REQUIRED RESOLUTIONS PROVIDING FOR THE TRANSFER OF STATE OF
CALIFORNIA PROPOSITION 40 – 2002 RESOURCES BOND ACT PROGRAM FUNDS.

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“if an applicant intends to transfer funds to another eligible entity, the agency that relinquishes the funds submits to the State a resolution (Attachment D& E) from their governing body, using the required language in the existing resolution that declares the funds are transferred, identifies the recipient, and identifies the funding amount. The eligible recipient submits to the State a resolution (Attachments F, G, H & I) that declares their acceptance of the funds from the donor, and identifies the funding amount.” If the Board approves the recommendations of staff, the requisite Stanislaus County resolution should be adopted. Thereafter, the agreements may be executed, and the Cities would adopt the required resolutions.

POLICY ISSUE:

The Board should decide if the request is consistent with its priority of achieving multi-jurisdictional cooperation.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

**AGREEMENT BETWEEN THE
CITY OF CERES AND THE COUNTY OF STANISLAUS
FOR THE TRANSFER OF 2002 PARK BOND ACT (PROPOSITION 40)
GRANT PROGRAM ALLOCATIONS**

This Agreement is made and entered into this 28th day of Sept, 2004, by and between the County of Stanislaus, a political subdivision of the State of California, (hereinafter "County") and City of Ceres (hereinafter "City").

WHEREAS, the California Clean Water, Clean Air, and Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) allocated the sum of \$2,012,635 to Stanislaus County;

WHEREAS, in January 2004, the Stanislaus County Department of Parks and Recreation received copies of the fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California;

WHEREAS, the Proposition 40 funds are for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities;

WHEREAS, in the final budget for fiscal year 2003-2004, the Board approved the budget of the Department of Parks and Recreation and noted that funding requests had been received from the Cities of Ceres, Oakdale and Riverbank for financial assistance with various park improvement projects;

WHEREAS, the City of Ceres requested allocation of \$450,000;

WHEREAS, the City of Ceres indicated that it will use its allocation to offset the costs of development of the Ceres River Bluff Regional Park, which will include soccer and baseball fields, picnic areas, and bike and hiking trails; and

WHEREAS, the County has found and determined that the development of the project for the City will benefit the citizens of Stanislaus County.

NOW, THEREFORE, the parties mutually agree as follows:

- 1. That the City must verify and insure that they are eligible for Proposition 40 grant funds by having fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California.**
- 2. That the City has requested the sum of \$450,000 and that the dollar amount for actual receipt of funds will be as approved by the Board of Supervisors of Stanislaus County.**

3. That the City must adopt a resolution that requests the funds from Stanislaus County and which identifies the funding amount and project description, and declares the City's acceptance of such funds.
4. That the City agrees to accept the funds pursuant to Proposition 40 procedural guidelines established by the California Department of Parks and Recreation.
5. That the City and County agree to comply with the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation for the pass through of grant program funds.
6. That the City agrees to reconvey monies received pursuant to this Agreement to Stanislaus County prior to June 30, 2006, if the City does not use the funds for the project stated in the resolution adopted by the City prior to January 1, 2006.
7. That the City acknowledges the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation stipulate that the pass through back to the County (reconveyance) must be completed before June 30, 2006, if one occurs.

- 8. Except as stated in subparagraphs "a" and "b", the City agrees that any fees or charges to users of any projects funded by receipt of the grant program funds will be the same amount for all users throughout Stanislaus County and that Citizens of Stanislaus County shall be entitled to utilize the same facilities in the same manner as any resident of the City.**

 - a. Recreational programs and activities conducted by the City will not be charged a fee for use of the park facilities. In addition, should the Ceres Youth Soccer Association & Ceres Youth Baseball Association execute an agreement to contribute to the maintenance of the soccer/softball fields, the Ceres Youth Soccer Association and Ceres Youth Baseball Association may receive a reduction in their rental fee based on the work performed. Both youth sports leagues allow non-residents to participate in their leagues at the same registration fee as Ceres residents.**
 - b. Nothing in paragraph 8 shall be construed to limit the right of the City to schedule all organized use of the park's soccer fields and baseball facilities, and in scheduling such activities, to grant priority to recreational programs organized and conducted by the City, and to local youth and adult organizations who provide recreational programs and activities for the benefit of the residents of the City.**

- 9. That the City will publicly acknowledge the Board of Supervisors of Stanislaus County funding and support of the project through mutually agreed upon signage that will be placed at the completed project site.**

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10. That the City agrees to properly maintain the project and see that it is suitable for and continually available for use by all residents of Stanislaus County.
11. That the City agrees to secure and be responsible for property insurance on any buildings or other improvements utilizing project funds.
12. That the City agrees and promises that the project will not be converted to any other use without the County's prior written consent.
13. That the City and County hereby agree to take such actions as may be reasonably necessary to effectuate the purpose of this Agreement
14. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and may be modified by written agreement between both parties. The Agreement supersedes or replaces all prior negotiation and agreement, written or oral, proposed or final.
15. This Agreement shall be deemed to be made under, and shall be governed by and construed in accordance with, the laws of the State of California. Any action brought to enforce the terms of the agreement shall have venue in the County of Stanislaus, State of California.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first above written.

COUNTY OF STANISLAUS

CITY OF CERES

By Patricia Hill Thomas
Patricia Hill Thomas
Interim Chief Executive Officer

By [Signature]

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

By [Signature]
Interim Director
Department of Parks and Recreation

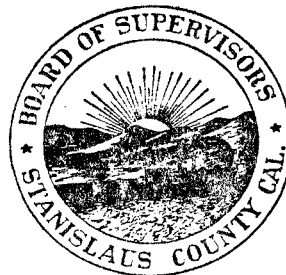
By [Signature]
Attorney for City of Ceres

APPROVED AS TO FORM:

By [Signature]
Michael H. Krausnick
County Counsel

ATTEST:

By [Signature]
Christine Ferraro Tallman
Clerk of the Board of Supervisors
Prop40.Ceres2.wpd



**AGREEMENT BETWEEN THE
CITY OF OAKDALE AND THE COUNTY OF STANISLAUS
FOR THE TRANSFER OF 2002 PARK BOND ACT (PROPOSITION 40)
GRANT PROGRAM ALLOCATIONS**

This Agreement is made and entered into this _____ day of April, 2004, by and between the County of Stanislaus, a political subdivision of the State of California, (hereinafter "County") and City of Oakdale (hereinafter "City").

WHEREAS, the California Clean Water, Clean Air, and Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) allocated the sum of \$2,012,635 to Stanislaus County;

WHEREAS, in January, 2004, the Stanislaus County Department of Parks and Recreation received copies of the fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California;


WHEREAS, Proposition 40 funds are for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities;

WHEREAS, in the final budget for fiscal year 2003-2004, the Board approved the budget of the Parks and Recreation Department and noted that funding requests had been received from the Cities of Ceres, Oakdale and Riverbank for financial assistance with various park improvement projects;

WHEREAS, the City of Oakdale requested allocation of \$450,000 to be used for park purposes, and an outdoor performance area; and

WHEREAS, the County has found and determined that the development of the project for the City will benefit the citizens of Stanislaus County.

NOW, THEREFORE, the parties mutually agree as follows:

1. That the City must verify and insure that they are eligible for Proposition 40 grant funds by having fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California.
2. That the City has requested the sum of \$450,000 and that the dollar amount for actual receipt of funds will be as approved by the Board of Supervisors of Stanislaus County ~~specified by the State of California.~~ 
3. That the City must adopt a resolution that requests the funds from Stanislaus County and which identifies the funding amount and project description, and declares the City's acceptance of such funds.
4. That the City agrees to accept the funds pursuant to Proposition 40 procedural guidelines established by the California Department of Parks and Recreation.

5. That the City and County agree to comply with the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation for the pass through of grant program funds.
6. That the City agrees to reconvey monies received pursuant to this Agreement to Stanislaus County prior to June 30, 2006, if the City does not use the funds for the project stated in the resolution adopted by the City prior to January 1, 2006.
7. That the City acknowledges the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation stipulate that the pass through back to the County (reconveyance) must be completed before June 30, 2006, if one occurs.
8. That the City agrees that any fees or charges to users of any projects funded by receipt of the grant program funds will be the same amount for all users throughout Stanislaus County and that all citizens of Stanislaus County shall be entitled to utilize the same facilities in the same manner as any resident of the City.
9. That the City will publically acknowledge the Board of Supervisors of Stanislaus County funding and support of the project through mutually agreed upon signage that will be placed at the completed project site.

10. That the City agrees to properly maintain the project and see that it is suitable for and continually available for use by all residents of Stanislaus County.
11. That the City agrees to secure and be responsible for property insurance on any buildings or other improvements utilizing project funds.
12. That the City agrees and promises that the project will not be converted to any other use without the County's prior written consent.
13. That the City and County hereby agree to take such actions as may be reasonably necessary to effectuate the purpose of this Agreement
13. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and may be modified by written agreement between both parties. The Agreement supersedes or replaces all prior negotiation and agreement, written or oral, proposed or final.
14. This Agreement shall be deemed to be made under, and shall be governed by and construed in accordance with, the laws of the State of California. Any action brought to enforce the terms of the agreement shall have venue in the County of Stanislaus, State of California.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first above written.

COUNTY OF STANISLAUS

By *Patricia Hill Thomas*
Patricia Hill Thomas
Interim Chief Executive Officer

CITY OF OAKDALE

By *Bruce Bannerman*
Bruce Bannerman
City Manager

APPROVED AS TO CONTENT:

By *Sonya Harrigfeld*
Sonya Harrigfeld, Interim Director
Department of Parks and Recreation

APPROVED AS TO FORM:

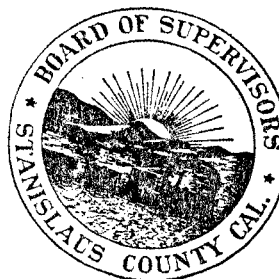
By *John G. H. M. V.*
Attorney for City of Oakdale

APPROVED AS TO FORM:

By *M. H. Krausnick*
Michael H. Krausnick
County Counsel

ATTEST:

By *Christine Ferraro Tallman*
Christine Ferraro Tallman
Clerk of the Board of Supervisors



**AGREEMENT BETWEEN THE
CITY OF RIVERBANK AND THE COUNTY OF STANISLAUS
FOR THE TRANSFER OF 2002 PARK BOND ACT (PROPOSITION 40)
GRANT PROGRAM ALLOCATIONS.**

This Agreement is made and entered into this 28th day of June, 2004, by and between the County of Stanislaus, a political subdivision of the State of California, (hereinafter "County") and City of Riverbank (hereinafter "City").

WHEREAS, the California Clean Water, Clean Air, and Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) allocated the sum of \$2,012,635 to Stanislaus County;

WHEREAS, in January 2004, the Department of Parks and Recreation received copies of the fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California;

WHEREAS, Proposition 40 funds are for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities;

WHEREAS, in the final budget for fiscal year 2003-2004, the Board approved the budget of the Parks and Recreation Department and noted that funding requests had been received from the Cities of Ceres, Oakdale and Riverbank for financial assistance with various park improvement projects;

WHEREAS, the City of Riverbank requested allocation of \$400,000 to be used for park purposes and sports facilities; and

WHEREAS, the County has found and determined that the development of the project for the City will benefit the citizens of Stanislaus County.

NOW, THEREFORE, the parties mutually agree as follows:

1. That the City must verify and insure that they are eligible for Proposition 40 grant funds by having fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California.
2. That the City has requested the sum of \$400,000 and that the dollar amount for actual receipt of funds will be as approved by the Board of Supervisors of Stanislaus County in the amount of \$379,000 of Proposition 40 Per Capita Program funds, and \$21,000 of Roberti-Z'Berg-Harris Program funds.
3. That the City must adopt a resolution that requests the funds from Stanislaus County and which identifies the funding amount and project description, and declares the City's acceptance of such funds.

4. That the City agrees to accept the funds pursuant to Proposition 40 procedural guidelines established by the California Department of Parks and Recreation.
5. That the City and County agree to comply with the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation for the pass through of grant program funds.
6. That the City agrees to reconvey monies received pursuant to this Agreement to Stanislaus County prior to June 30, 2006, if the City does not use the funds for the project stated in the resolution adopted by the City prior to January 1, 2006.
7. That the City acknowledges the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation and stipulates that the pass through back to the County (reconveyance) must be completed before June 30, 2006, if one occurs.
8. That the City agrees that any fees or charges to users of any projects funded by receipt of the grant program funds will be the same amount for all users throughout Stanislaus County and that all citizens of Stanislaus County shall be entitled to utilize the same facilities in the same manner as any resident of the City.

9. That the City will publicly acknowledge the Board of Supervisors of Stanislaus County funding and support of the project through a mutually agreed upon signage that will be placed at the completed project site.
10. That the City agrees to properly maintain the project and see that it is suitable for and continually available for use by all residents of Stanislaus County.
11. That the City agrees to secure and be responsible for property insurance on any buildings or other improvements utilizing project funds.
12. That the City agrees and promises that the project will not be converted to any other use without the County's prior written consent.
13. That the City and County hereby agree to take such actions as may be reasonably necessary to effectuate the purpose of this Agreement
14. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and may be modified by written agreement between both parties. The Agreement supersedes or replaces all prior negotiation and agreement, written or oral, proposed or final.

15. This Agreement shall be deemed to be made under, and shall be governed by and construed in accordance with, the laws of the State of California. Any action brought to enforce the terms of the agreement shall have venue in the County of Stanislaus, State of California.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first above written.

COUNTY OF STANISLAUS

By Patricia Hill Thomas
Patricia Hill Thomas
Interim Chief Executive Officer

CITY OF RIVERBANK

By Richard P. Holmer
Richard P. Holmer
City Manager

APPROVED AS TO CONTENT:

By Angela K. [Signature]
Interim Director
Department of Parks and
Recreation

APPROVED AS TO FORM:

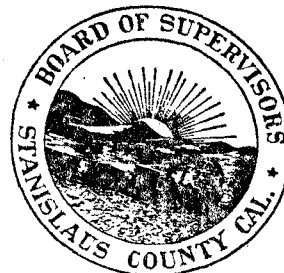
By Tom Hallinan
Tom Hallinan
City Attorney

APPROVED AS TO FORM:

By Michael H. Krausnick
Michael H. Krausnick
County Counsel

ATTEST:

By Christine Ferraro Tallman
Christine Ferraro Tallman
Clerk of the Board of Supervisors



THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: September 28, 2004

No. 2004-742

On motion of Supervisor Paul....., Seconded by Supervisor Simon.....,
and approved by the following vote,
Ayes: Supervisors: Paul, Mayfield, Grover, Caruso, and Chairman Simon.....
Noes: Supervisors: None.....
Excused or Absent: Supervisors: None.....
Abstaining: Supervisor: None.....

.....*B-3.....

THE FOLLOWING RESOLUTION WAS ADOPTED:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE COUNTY'S CONTRACT WITH THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION TO ALLOW THE PASS THROUGH OF 2002 RESOURCES BOND ACT (PROPOSITION 40), ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION GRANT PROGRAM FUNDS IN THE AMOUNT OF \$21,000 TO THE CITY OF RIVERBANK TO BE USED PURSUANT TO THE AGREEMENT BETWEEN STANISLAUS COUNTY AND THE CITY.

WHEREAS, Stanislaus County received \$733,635 in 2002 Resources Bond Act (Proposition 40), Roberti-Z'Berg-Harris Urban Open Space and Recreation Grant Program funds, of which the Board of Supervisors directed on September 28, 2004, that \$21,000 be allocated to the City of Riverbank to be used pursuant to the agreement between Stanislaus County and the City; and

WHEREAS, Stanislaus County has determined that passing through the funds directly to the City of Riverbank can more efficiently complete the project pursuant to the agreement between the City and Stanislaus County; and

WHEREAS, the City of Riverbank has agreed to accept these funds and accept the responsibility for development of said project pursuant to the agreement.

NOW, THEREFORE BE IT HEREBY RESOLVED that the Board of Supervisors of Stanislaus County does hereby authorize its Interim Chief Executive Officer or Designee to execute an amendment to Stanislaus County's contract with the California Department of Parks and Recreation to allow the pass through to the City of Riverbank in the amount of \$21,000 in 2002 Resources Bond Act, Roberti-Z'Berg-Harris Urban Open Space and Recreation Grant Program funds, for the development of the project pursuant to their individual agreement, and to reduce Stanislaus County's total Roberti-Z'Berg-Harris Urban Open Space and Recreation Grant Program Allocation under this grant program from \$733,635 to \$712,635.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California,

Christine Ferraro
By: Deputy

File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: September 28, 2004

No. 2004-742

On motion of Supervisor Paul , Seconded by Supervisor Simon ,
and approved by the following vote,
Ayes: Supervisors: Paul, Mayfield, Grover, Caruso, and Chairman Simon
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

*B-3

THE FOLLOWING RESOLUTION WAS ADOPTED:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE COUNTY'S CONTRACT WITH THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION TO ALLOW THE PASS THROUGH OF 2002 RESOURCES BOND ACT (PROPOSITION 40), PER CAPITA GRANT FUNDS IN THE AMOUNT OF \$1,279,000 TO THE CITIES OF OAKDALE, CERES AND RIVERBANK TO BE USED PURSUANT TO THE INDIVIDUAL AGREEMENTS WITH EACH CITY.

WHEREAS, Stanislaus County received \$1,279,000 in 2002 Resources Bond Act (Proposition 40), Per Capita Grant funds, of which the Board of Supervisors directed on September 28, 2004, that \$450,000 be allocated to the City of Oakdale to be used pursuant to the agreement between Stanislaus County and the City of Oakdale; and

WHEREAS, Stanislaus County received \$1,279,000 in 2002 Resources Bond Act (Proposition 40), Per Capita Grant funds, of which the Board of Supervisors directed on September 28, 2004, that \$450,000 be allocated to the City of Ceres to be used pursuant to the agreement between Stanislaus County and the City of Ceres; and

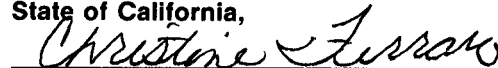
WHEREAS, Stanislaus County received \$1,279,000 in 2002 Resources Bond Act (Proposition 40), Per Capita Grant funds, of which the Board of Supervisors directed on September 28, 2004, that \$379,000 be allocated to the City of Riverbank to be used pursuant to the agreement between Stanislaus County and the City of Riverbank; and

WHEREAS, Stanislaus County has determined that passing through the funds directly to the Cities of Oakdale, Ceres, and Riverbank, the Cities can more efficiently complete their projects pursuant to the respective agreements; and

WHEREAS, the Cities of Oakdale, Ceres and Riverbank have agreed to accept these funds and accept the responsibility for development of said projects pursuant to their individual agreements.

NOW, THEREFORE BE IT HEREBY RESOLVED that the Board of Supervisors of Stanislaus County does hereby authorize its Interim Chief Executive Officer or Designee to execute an amendment to Stanislaus County's contract with the California Department of Parks and Recreation to allow the pass through to the Cities of Oakdale, Ceres and Riverbank in the amount of \$450,000 to the City of Oakdale, and \$450,000 to the City of Ceres and \$379,000 to the City of Riverbank in 2002 Resources Bond Act, Per Capita Program funds for the development of their respective projects pursuant to their individual agreements, and to reduce Stanislaus County's total Per Capita Allocation under this grant program from \$1,279,000 to \$0.00.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California,


By: Deputy

RESOLUTION NO. 2004 - 110

RESOLUTION OF ACCEPTANCE OF AN AGREEMENT BETWEEN THE CITY OF CERES AND STANISLAUS COUNTY FOR THE TRANSFER OF \$450,000 FROM THEIR 2002 PARK BOND ACT 40 GRANT PROGRAM ALLOCATIONS FOR DEVELOPMENT OF CERES RIVER BLUFF REGIONAL PARK

THE CITY COUNCIL
City of Ceres, California

WHEREAS, the City of Ceres master plan for the Ceres River Bluff Regional Park began in the Spring of 2002 for Phase I and will be completed with a Ribbon Cutting Ceremony on September 11, 2004; and,

WHEREAS, the City of Ceres met with Stanislaus County officials and Supervisor Paul Caruso requesting funding for development of the Regional Park; and,

WHEREAS, the City of Ceres was able to form an agreement to receive \$450,000 from Stanislaus County's Clean Water, Clean Air, and Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) allocations; and,

WHEREAS, the City of Ceres acknowledges the Proposition 40 procedural guidelines established by the California Department of Parks and agrees to reconvey monies pursuant to this agreement to Stanislaus County, if the City does not use the funds prior to January 1, 2006; and,

WHEREAS, the City of Ceres and Beal's Alliance is currently designing Phase II and the objective is to utilize the \$450,000 from the County for the Phase II construction of the Regional Park; and,

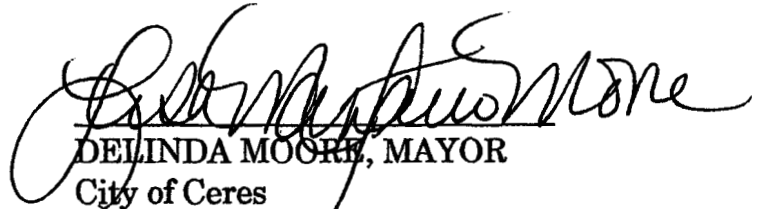
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ceres, County Stanislaus, State of California does hereby authorize the City Manager to execute an amendment to the City of Ceres contract with the California Department of Parks and Recreation to accept the pass through of \$450,000 in 2002 Resource Bond Act, Per Capita Program funds from Stanislaus County to the City of Ceres in order to increase the City of Ceres total available Per Capita Allocation under this grant program from \$220, 000 to \$670,000.

PASSED AND ADOPTED this 12th of July, 2004, by the following vote:

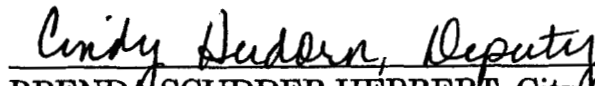
AYES: Canella, Vierra, Vice Mayor Mantarro Moore

NOES: None

ABSENT: Phipps, Mayor Moore


DELINDA MOORE, MAYOR
City of Ceres

ATTEST:


BRENDA SCUDDER HERBERT, City Clerk

SEAL IMPRESSED

RESOLUTION 2004-124

RESOLUTION FOR PASS-THROUGH FUNDING - CITY OF OAKDALE

NOW, THEREFORE BE IT HEREBY RESOLVED that the City Council, for the city of Oakdale, County Stanislaus, State of California does hereby direct the Stanislaus County to execute an amendment to the City of Oakdale's contract with the California Department of Parks and Recreation to accept the pass through of \$450,000 in 2002 Resource Bond Act, Per Capita Program funds from Stanislaus County to the city of Oakdale in order to increase the City of Oakdale's total available Per Capita Allocation under this grant program from \$ 220,000 to \$ 670,000.

PASSED AND ADOPTED by the City Council of the city of Oakdale at a regular meeting of said Council, held on the 2nd day of August, 2004 by the following vote of said Council:

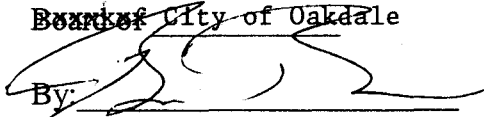
Ayes: Deklinski, Kuhn, Rockey, Skavdahl

Noes: None

Attest: Absent: Jackson

Abstain: None

Clerk and Bookkeeper
~~Board of~~ City of Oakdale

By: 


Chair Pat Kuhn, Mayor

CERTIFICATION

THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION 2004-124 DULY AND REGULARLY ADOPTED BY THE OAKDALE CITY COUNCIL IN REGULAR SESSION.

NANCY LILLY, CITY CLERK
CITY OF OAKDALE, CA


City Clerk

Date: August 10, 2004

City of Riverbank

Resolution No. 2004-087

**A Resolution of the City Council of the City of Riverbank
Requesting an Amendment to the County's Contract with the California
Department of Parks and Recreation and Allowing the Pass Through of
2002 Resource Bond Act (Prop. 40) Per Capita Funds from the County of
Stanislaus Pursuant to the Agreement between the County of Stanislaus
and the City of Riverbank.**

Whereas, Stanislaus County received \$1,279,000 in 2002 Resource Bond Act (Prop. 40) Per Capita grant funds of which the Board of Supervisors directed on November 4, 2003, that \$379,000 be allocated to the City of Riverbank to be used pursuant to the agreement between Stanislaus County and the City of Riverbank; and

Whereas, Stanislaus County has determined that passing through the funds directly to the City of Riverbank can lead to a more efficient completion of the projects pursuant to the respective agreements; and

Whereas, The City of Riverbank has agreed to accept these funds and the responsibility for development of said projects pursuant to this agreement; and

Whereas, To accomplish this the County will amend its contract with the California Department of Parks and Recreation.

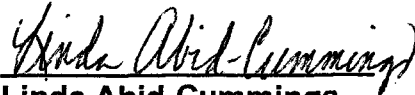
Now, Therefore, Be It Resolved that the City Council of the City of Riverbank, County of Stanislaus, State of California does hereby direct the City Manager to execute an amendment to the City of Riverbank's contract with the California Department of Parks and Recreation to accept the pass through of \$379,000 in 2002 Resource Bond Act, Per Capita Program funds from Stanislaus County to the City of Riverbank in order to increase the City of Riverbank's total available Per Capita Allocation under this grant program from \$220,000 to \$599,000.

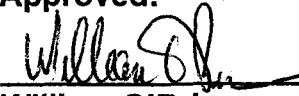
Passed and adopted by the City Council of the City of Riverbank at a regular meeting held on the 28th day of June 2004, by the following vote:

- AYES:** Councilmembers Lineberger, Benitez, McGinnis, White, and Mayor O'Brien.
- NAYS:** None.
- ABSENT:** None.
- ABSTAIN:** None.

CERTIFICATION
I hereby certify the foregoing is a true and correct copy of the original document on file in the office of the City Clerk of the City of Riverbank.


DEPUTY CITY CLERK

Attest:

Linda Abid-Cummings
City Clerk

Approved: DATED 7/7/04

William O'Brien
Mayor

City of Riverbank

Resolution No. 2004-088

**A Resolution of the City Council of the City of Riverbank
Requesting an Amendment to the Stanislaus County's Contract with the
California Department of Parks and Recreation and Allowing the Pass Through of
2002 Resource Bond Act (Prop. 40), Roberti-Z'Berg-Harris Urban Open Space and
Recreation Grant Program Funds from the County of Stanislaus Pursuant to the
Agreement Between the County of Stanislaus and the City of Riverbank.**

Whereas, Stanislaus County received \$733,635 in Resource Bond Act (Prop. 30), Roberti-Z'Berg-Harris Open Space and Recreation Grant Program funds, of which the Board of Supervisors directed on November 4, 2003 that \$21,000 be allocated to the City of Riverbank pursuant to the agreement between Stanislaus County and the City; and

Whereas, Stanislaus County has determined that passing through the funds directly to the City of Riverbank can more efficiently complete the project pursuant to the agreement between the City of Riverbank and Stanislaus County; and

Whereas, The City has agreed to accept these funds and accept the responsibility for development of said project pursuant to the agreement; and

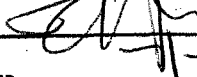
Whereas, To accomplish this the County will amend its contract with the California Department of Parks and Recreation.

Now, Therefore, Be It Resolved that the City Council of the City of Riverbank, County of Stanislaus, State of California does hereby direct the City Manager to execute an amendment to the City of Riverbank's contract with the California Department of Parks and Recreation to accept the pass through of \$21,000 in 2002 Resource Bond Act, Roberti-Z'Berg-Harris Open Space and Recreation Grant Program funds from Stanislaus County to the City of Riverbank in order to increase the City of Riverbank's total available Roberti-Z'Berg-Harris Open Space and Recreation Grant Program Allocation under this grant program from \$46,034 to \$67,034.

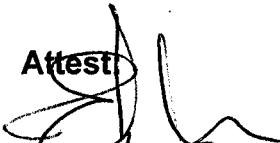
Passed and adopted by the City Council of the City of Riverbank at a regular meeting held on the 28th day of June 2004, by the following vote:

- AYES:** Councilmembers Lineberger, Benitez, McGinnis, White, and Mayor O'Brien.
- NAYS:** None.
- ABSENT:** None.
- ABSTAIN:** None.

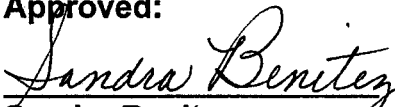
CERTIFICATION
I hereby certify the foregoing is a true and correct copy of the original document on file in the office of the City Clerk of the City of Riverbank.



DEPUTY CITY CLERK
DATED 6/27/04

Attest


Emily Herrera
Deputy City Clerk

Approved:


Sandra Benitez
Vice Mayor

**AGREEMENT BETWEEN THE
CITY OF OAKDALE AND THE COUNTY OF STANISLAUS
FOR THE TRANSFER OF 2002 PARK BOND ACT (PROPOSITION 40)
GRANT PROGRAM ALLOCATIONS**

This Agreement is made and entered into this _____ day of April, 2004, by and between the County of Stanislaus, a political subdivision of the State of California, (hereinafter "County") and City of Oakdale (hereinafter "City").

WHEREAS, the California Clean Water, Clean Air, and Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) allocated the sum of \$2,012,635 to Stanislaus County;

WHEREAS, in January, 2004, the Stanislaus County Department of Parks and Recreation received copies of the fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California;

BOARD OF SUPERVISORS
2005 MAY - 10 2:00 PM


WHEREAS, Proposition 40 funds are for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities;

WHEREAS, in the final budget for fiscal year 2003-2004, the Board approved the budget of the Parks and Recreation Department and noted that funding requests had been received from the Cities of Ceres, Oakdale and Riverbank for financial assistance with various park improvement projects;

WHEREAS, the City of Oakdale requested allocation of \$450,000 to be used for park purposes, and an outdoor performance area; and

WHEREAS, the County has found and determined that the development of the project for the City will benefit the citizens of Stanislaus County.

NOW, THEREFORE, the parties mutually agree as follows:

1. That the City must verify and insure that they are eligible for Proposition 40 grant funds by having fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California.
2. That the City has requested the sum of \$450,000 and that the dollar amount for actual receipt of funds will be as approved by the Board of Supervisors of Stanislaus County ~~specified by the State of California.~~ 
3. That the City must adopt a resolution that requests the funds from Stanislaus County and which identifies the funding amount and project description, and declares the City's acceptance of such funds.
4. That the City agrees to accept the funds pursuant to Proposition 40 procedural guidelines established by the California Department of Parks and Recreation.

5. That the City and County agree to comply with the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation for the pass through of grant program funds.
6. That the City agrees to reconvey monies received pursuant to this Agreement to Stanislaus County prior to June 30, 2006, if the City does not use the funds for the project stated in the resolution adopted by the City prior to January 1, 2006.
7. That the City acknowledges the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation stipulate that the pass through back to the County (reconveyance) must be completed before June 30, 2006, if one occurs.
8. That the City agrees that any fees or charges to users of any projects funded by receipt of the grant program funds will be the same amount for all users throughout Stanislaus County and that all citizens of Stanislaus County shall be entitled to utilize the same facilities in the same manner as any resident of the City.
9. That the City will publically acknowledge the Board of Supervisors of Stanislaus County funding and support of the project through mutually agreed upon signage that will be placed at the completed project site.

10. That the City agrees to properly maintain the project and see that it is suitable for and continually available for use by all residents of Stanislaus County.
11. That the City agrees to secure and be responsible for property insurance on any buildings or other improvements utilizing project funds.
12. That the City agrees and promises that the project will not be converted to any other use without the County's prior written consent.
13. That the City and County hereby agree to take such actions as may be reasonably necessary to effectuate the purpose of this Agreement
13. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and may be modified by written agreement between both parties. The Agreement supersedes or replaces all prior negotiation and agreement, written or oral, proposed or final.
14. This Agreement shall be deemed to be made under, and shall be governed by and construed in accordance with, the laws of the State of California. Any action brought to enforce the terms of the agreement shall have venue in the County of Stanislaus, State of California.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first above written.

COUNTY OF STANISLAUS

By Patricia Hill Thomas
Patricia Hill Thomas
Interim Chief Executive Officer

CITY OF OAKDALE
By Bruce Bannerman
Bruce Bannerman
City Manager

APPROVED AS TO CONTENT:

By Sonya Harrigfeld
Sonya Harrigfeld, Interim Director
Department of Parks and Recreation

APPROVED AS TO FORM:

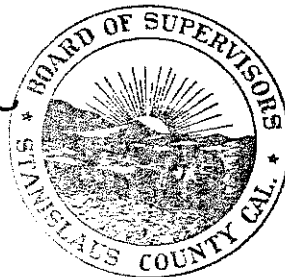
By Jim P. [Signature]
Attorney for City of Oakdale

APPROVED AS TO FORM:

By Michael H. Krausnick
Michael H. Krausnick
County Counsel

ATTEST:

By Christine Ferraro Tallman
Christine Ferraro Tallman
Clerk of the Board of Supervisors



9-28-04
B3

**AGREEMENT BETWEEN THE
CITY OF RIVERBANK AND THE COUNTY OF STANISLAUS
FOR THE TRANSFER OF 2002 PARK BOND ACT (PROPOSITION 40)
GRANT PROGRAM ALLOCATIONS.**

This Agreement is made and entered into this 28th day of June, 2004, by and between the County of Stanislaus, a political subdivision of the State of California, (hereinafter "County") and City of Riverbank (hereinafter "City").

WHEREAS, the California Clean Water, Clean Air, and Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) allocated the sum of \$2,012,635 to Stanislaus County;

WHEREAS, in January 2004, the Department of Parks and Recreation received copies of the fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California;

BOARD OF SUPERVISORS
2005 NOV - PM 2:02

WHEREAS, Proposition 40 funds are for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities;

WHEREAS, in the final budget for fiscal year 2003-2004, the Board approved the budget of the Parks and Recreation Department and noted that funding requests had been received from the Cities of Ceres, Oakdale and Riverbank for financial assistance with various park improvement projects;

WHEREAS, the City of Riverbank requested allocation of \$400,000 to be used for park purposes and sports facilities; and

WHEREAS, the County has found and determined that the development of the project for the City will benefit the citizens of Stanislaus County.

NOW, THEREFORE, the parties mutually agree as follows:

1. That the City must verify and insure that they are eligible for Proposition 40 grant funds by having fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California.
2. That the City has requested the sum of \$400,000 and that the dollar amount for actual receipt of funds will be as approved by the Board of Supervisors of Stanislaus County in the amount of \$379,000 of Proposition 40 Per Capita Program funds, and \$21,000 of Roberti-Z'berg-Harris Program funds.
3. That the City must adopt a resolution that requests the funds from Stanislaus County and which identifies the funding amount and project description, and declares the City's acceptance of such funds.

4. That the City agrees to accept the funds pursuant to Proposition 40 procedural guidelines established by the California Department of Parks and Recreation.
5. That the City and County agree to comply with the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation for the pass through of grant program funds.
6. That the City agrees to reconvey monies received pursuant to this Agreement to Stanislaus County prior to June 30, 2006, if the City does not use the funds for the project stated in the resolution adopted by the City prior to January 1, 2006.
7. That the City acknowledges the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation and stipulates that the pass through back to the County (reconveyance) must be completed before June 30, 2006, if one occurs.
8. That the City agrees that any fees or charges to users of any projects funded by receipt of the grant program funds will be the same amount for all users throughout Stanislaus County and that all citizens of Stanislaus County shall be entitled to utilize the same facilities in the same manner as any resident of the City.

9. That the City will publicly acknowledge the Board of Supervisors of Stanislaus County funding and support of the project through a mutually agreed upon signage that will be placed at the completed project site.
10. That the City agrees to properly maintain the project and see that it is suitable for and continually available for use by all residents of Stanislaus County.
11. That the City agrees to secure and be responsible for property insurance on any buildings or other improvements utilizing project funds.
12. That the City agrees and promises that the project will not be converted to any other use without the County's prior written consent.
13. That the City and County hereby agree to take such actions as may be reasonably necessary to effectuate the purpose of this Agreement
14. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and may be modified by written agreement between both parties. The Agreement supersedes or replaces all prior negotiation and agreement, written or oral, proposed or final.

15. This Agreement shall be deemed to be made under, and shall be governed by and construed in accordance with, the laws of the State of California. Any action brought to enforce the terms of the agreement shall have venue in the County of Stanislaus, State of California.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first above written.

COUNTY OF STANISLAUS

By Patricia Hill Thomas
Patricia Hill Thomas
Interim Chief Executive Officer

CITY OF RIVERBANK

By Richard P. Holmer
Richard P. Holmer
City Manager

APPROVED AS TO CONTENT:

By Amye K. [Signature]
Director
Department of Parks and Recreation
Interim

APPROVED AS TO FORM:

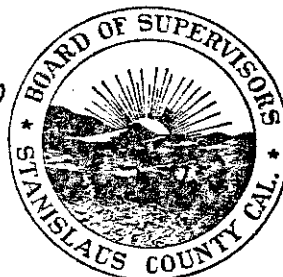
By Tom Hallinan
Tom Hallinan
City Attorney

APPROVED AS TO FORM:

By Michael H. Krausnick
Michael H. Krausnick
County Counsel

ATTEST:

By Christine Ferraro Tallman
Christine Ferraro Tallman
Clerk of the Board of Supervisors



9-28-04
11

**AGREEMENT BETWEEN THE
CITY OF CERES AND THE COUNTY OF STANISLAUS
FOR THE TRANSFER OF 2002 PARK BOND ACT (PROPOSITION 40)
GRANT PROGRAM ALLOCATIONS**

This Agreement is made and entered into this 28th day of Sept, 2004, by and between the County of Stanislaus, a political subdivision of the State of California, (hereinafter "County") and City of Ceres (hereinafter "City").

WHEREAS, the California Clean Water, Clean Air, and Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) allocated the sum of \$2,012,635 to Stanislaus County;

WHEREAS, in January 2004, the Stanislaus County Department of Parks and Recreation received copies of the fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California;

WHEREAS, the Proposition 40 funds are for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities;

WHEREAS, in the final budget for fiscal year 2003-2004, the Board approved the budget of the Department of Parks and Recreation and noted that funding requests had been received from the Cities of Ceres, Oakdale and Riverbank for financial assistance with various park improvement projects;

BOARD OF SUPERVISORS
2005 NOV -3 12:02

WHEREAS, the City of Ceres requested allocation of \$450,000;

WHEREAS, the City of Ceres indicated that it will use its allocation to offset the costs of development of the Ceres River Bluff Regional Park, which will include soccer and baseball fields, picnic areas, and bike and hiking trails; and

WHEREAS, the County has found and determined that the development of the project for the City will benefit the citizens of Stanislaus County.

NOW, THEREFORE, the parties mutually agree as follows:

- 1. That the City must verify and insure that they are eligible for Proposition 40 grant funds by having fully executed contracts for the Proposition 40 grant programs from the Resources Agency, Department of Parks and Recreation, State of California.**
- 2. That the City has requested the sum of \$450,000 and that the dollar amount for actual receipt of funds will be as approved by the Board of Supervisors of Stanislaus County.**

3. That the City must adopt a resolution that requests the funds from Stanislaus County and which identifies the funding amount and project description, and declares the City's acceptance of such funds.
4. That the City agrees to accept the funds pursuant to Proposition 40 procedural guidelines established by the California Department of Parks and Recreation.
5. That the City and County agree to comply with the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation for the pass through of grant program funds.
6. That the City agrees to reconvey monies received pursuant to this Agreement to Stanislaus County prior to June 30, 2006, if the City does not use the funds for the project stated in the resolution adopted by the City prior to January 1, 2006.
7. That the City acknowledges the Proposition 40 procedural guidelines established by the California Department of Parks and Recreation stipulate that the pass through back to the County (reconveyance) must be completed before June 30, 2006, if one occurs.

8. Except as stated in subparagraphs "a" and "b", the City agrees that any fees or charges to users of any projects funded by receipt of the grant program funds will be the same amount for all users throughout Stanislaus County and that Citizens of Stanislaus County shall be entitled to utilize the same facilities in the same manner as any resident of the City.
 - a. Recreational programs and activities conducted by the City will not be charged a fee for use of the park facilities. In addition, should the Ceres Youth Soccer Association & Ceres Youth Baseball Association execute an agreement to contribute to the maintenance of the soccer/softball fields, the Ceres Youth Soccer Association and Ceres Youth Baseball Association may receive a reduction in their rental fee based on the work performed. Both youth sports leagues allow non-residents to participate in their leagues at the same registration fee as Ceres residents.
 - b. Nothing in paragraph 8 shall be construed to limit the right of the City to schedule all organized use of the park's soccer fields and baseball facilities, and in scheduling such activities, to grant priority to recreational programs organized and conducted by the City, and to local youth and adult organizations who provide recreational programs and activities for the benefit of the residents of the City.
9. That the City will publicly acknowledge the Board of Supervisors of Stanislaus County funding and support of the project through mutually agreed upon signage that will be placed at the completed project site.

10. That the City agrees to properly maintain the project and see that it is suitable for and continually available for use by all residents of Stanislaus County.
11. That the City agrees to secure and be responsible for property insurance on any buildings or other improvements utilizing project funds.
12. That the City agrees and promises that the project will not be converted to any other use without the County's prior written consent.
13. That the City and County hereby agree to take such actions as may be reasonably necessary to effectuate the purpose of this Agreement
14. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and may be modified by written agreement between both parties. The Agreement supersedes or replaces all *prior negotiation and agreement, written or oral, proposed or final.*
15. This Agreement shall be deemed to be made under, and shall be governed by and construed in accordance with, the laws of the State of California. Any *action brought to enforce the terms of the agreement shall have venue in the County of Stanislaus, State of California.*

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first above written.

COUNTY OF STANISLAUS

By Patricia Hill Thomas
Patricia Hill Thomas
Interim Chief Executive Officer

CITY OF CERES

By [Signature]

APPROVED AS TO CONTENT:

Interim By [Signature]
Director
Department of Parks and Recreation

APPROVED AS TO FORM:

By [Signature]
Attorney for City of Ceres

APPROVED AS TO FORM:

By [Signature]
Michael H. Krausnick
County Counsel

ATTEST:

By [Signature]
Christine Ferraro Tallman
Clerk of the Board of Supervisors
Prop40.Ceres2.wpd

