



## Legislation Details (With Board Report)

**File #:** 22-874      **Name:** Per Capita Deed Restriction Program  
**Type:** General Agenda Item      **Status:** Passed  
**File created:** 9/12/2022      **In control:** Board of Supervisors  
**On agenda:** 9/27/2022      **Final action:** 9/27/2022

**Title:** Approve and authorize the Director of Public Works, Facilities and Parks to execute and record a thirty (30) year Deed Restriction for parcels at Toro Park (Assessor's Parcel Number: 161-011-071) and Jacks Peak Park (Assessor's Parcel Number: 103-071-013), as required for projects funded by the California Department of Parks and Recreation Per Capita Program.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A – Draft Deed Restriction for Toro Park, 3. Attachment B – Draft Deed Restriction for Jacks Peak Park, 4. Attachment C – Per Capita Program Procedural Guide, 5. Completed Board Order No. 42

Date	Ver.	Action By	Action	Result
9/27/2022	1	Board of Supervisors	approved	

Approve and authorize the Director of Public Works, Facilities and Parks to execute and record a thirty (30) year Deed Restriction for parcels at Toro Park (Assessor's Parcel Number: 161-011-071) and Jacks Peak Park (Assessor's Parcel Number: 103-071-013), as required for projects funded by the California Department of Parks and Recreation Per Capita Program.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:  
 Approve and authorize the Director of Public Works, Facilities and Parks to execute and record a thirty (30) year Deed Restriction for parcels at Toro Park (Assessor's Parcel Number: 161-011-071) and Jacks Peak Park (Assessor's Parcel Number: 103-071-013), as required for projects funded by the California Department of Parks and Recreation Per Capita Program.

### SUMMARY/DISCUSSION:

On September 14, 2021, the Board of Supervisors (BOS) adopted Resolution No. 21-303 delegating the authority to the Director of Public Works, Facilities and Parks (PWFP), or designee, to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s) for the California Department of Parks and Recreation (California State Parks) Per Capita Program projects. The Per Capita Program is a non-competitive grant program funded by Proposition 68 with funding available to local governments on a per capita basis. PWFP submitted four (4) applications for the following Board approved projects:

Toro Park: New roof and chimney for Buckeye BBQ area.

Jacks Peak Park: Bathroom roof replacement.

Lake San Antonio-South Shore: Repair electrical pedestals at campsites; remove ten (10) mobile housing units and convert pads to premium recreational vehicle (RV) campsites.

Lake Nacimiento: Replace bathroom roof and remove three (3) dilapidated modular units and replace with new modular unit that will house the public laundry facility.

California State Parks approved the four (4) project applications, and the 2018 Parks Bond Act Per Capita Program Grant Contract was executed March 7, 2022 (Exhibit B to Attachments A and B) and \$631,430 was awarded for the approved projects. Per the provisions outlined in the Per Capita Program Procedural Guide (Attachment C), the County is required to record a thirty (30) year Deed Restriction on the property title of County owned project sites to ensure that the project sites will remain open for public use and recreation for thirty (30) years. The Deed Restriction language is prescribed by California State Parks. Toro Park and Jacks Peak Park are comprised of many parcels and the Deed Restrictions only restrict the project site parcel at each park. The Lake Nacimiento and Lake San Antonio project sites are not subject to the Per Capita Program Deed Restriction requirement as they are owned by Monterey County Water Resources Agency and managed by the County. Authorizing the Director of PWWP to execute and record a thirty (30) year Deed Restriction for Toro Park (Attachment A) and Jacks Peak Park (Attachment B) will fulfill the Deed Restriction requirement for the Per Capita Program.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the Deed Restrictions for both parks as to form.

FINANCING:

A total amount of \$631,430 was awarded to the County for the approved Per Capita Program projects. However, a twenty percent (20%) cash match is required for the approved Per Capita Program projects. The BOS approved using \$157,858 in American Reuse Plan Act (ARPA) funds to meet the required match in the Fiscal Year (FY) 2021-22 and FY 2022-23 PWWP Adopted Budgets, Facilities Master Plan Project Fund 404, Appropriation Unit PFP057.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action supports the BOS Strategic Initiatives for Administration, Health & Human Services, Infrastructure, and Public Safety by proactively seeking grant funding to enhance the County's ability to facilitate infrastructure projects and offer improved facilities and safe public recreation experiences for the community.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Reviewed by: Bryan Flores, Chief of Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities and Parks

Attachments:

- Attachment A - Draft Deed Restriction for Toro Park
- Attachment B - Draft Deed Restriction for Jacks Peak Park
- Attachment C - Per Capita Program Procedural Guide  
(Attachments are on file with the Clerk of the Board)

