



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 25-016

February 18, 2025

Introduced: 1/28/2025

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

- a. Approve and authorize the Director of the Department of Emergency Management and the Director of Public Works, Facilities, and Parks to execute the Right of Entry and Indemnification Agreement (Agreement) between the County and the Pajaro Sunny Mesa Community Services District (PSMCS D) for the completion of repairs/replacements at Pajaro Park located at 24 San Juan Road, in the unincorporated community of Pajaro, California funded by Assembly Bill 102 funds; and
- b. Approve and authorize the Director of the Department of Emergency Management and the Director of Public Works, Facilities, and Parks to execute any future amendments under similar terms, conditions, and format if deemed to be in the best interest of the County, subject to review and approval by the Office of the County Counsel-Risk Management; and
- c. Direct that staff, upon completion of repairs, place unused allocated AB 102 funds with a third party to be held in trust for operations and maintenance expenses at Pajaro Park, as approved by legal counsel; and
- d. Find that the proposed repairs/ replacements qualify for a Class 1 and Class 2 Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15301 (repair of existing facilities) and 15302 (replacement or reconstruction of existing facilities).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Director of the Department of Emergency Management and the Director of Public Works, Facilities, and Parks to execute the Right of Entry and Indemnification Agreement (Agreement) between the County and the Pajaro Sunny Mesa Community Services District (PSMCS D) for the completion of repairs/replacements at Pajaro Park located at 24 San Juan Road, in the unincorporated community of Pajaro, California funded by Assembly Bill 102 funds; and
- b. Approve and authorize the Director of the Department of Emergency Management and the Director of Public Works, Facilities, and Parks to execute any future amendments under similar terms, conditions, and format if deemed to be in the best interest of the County, subject to review and approval by the Office of the County Counsel-Risk Management; and
- c. Direct that staff, upon completion of repairs, place unused allocated AB 102 funds with a third party to be held in trust for operations and maintenance expenses at Pajaro Park, as approved by legal counsel; and
- d. Find that the proposed repairs/ replacements qualify for a Class 1 and Class 2 Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15301 (repair of existing facilities) and 15302 (replacement or reconstruction of existing facilities).

SUMMARY:

On March 10, 2023, the unincorporated community of Pajaro experienced major flood damage which impacted households, businesses, local infrastructure, and personal property. California Assembly Bill 102 (AB 102) allocated funding to the County of Monterey to support flood relief for the community of Pajaro. Funding provided shall not be in duplication or replacement of benefits available or received through other existing assistance programs. In December of 2023, the Board of Supervisors approved an allocation of \$1,200,000 to complete repairs/replacements at Pajaro Sunny Mesa Community Services District's (PSMCSD) Pajaro Park Property. This may include the replacement of the artificial turf field, playground refurbishment, and/or replacement or addition of benches, tables, and/or park infrastructure and equipment.

DISCUSSION:

Pajaro Park is maintained and operated by PSMCSD and is an integral component of the social fabric of the community of Pajaro. The Park has created a sense of pride and ownership within the community, providing organized activities and events such as youth soccer leagues in collaboration with the YMCA. The Park also functioned as a key resource during the March 2023 levee breach, serving as a primary location for providing recovery resources. This included a hygiene and sanitation hub, commodity distribution points, and a FEMA Disaster Recovery Center. The County has allocated \$1,200,000 of AB102 funding for Pajaro Park repairs/ replacements, which may include the replacement of the artificial turf field, playground refurbishment, and/or replacement or addition of benches, tables, and/or park infrastructure and equipment. The repairs at Pajaro Park, will enhance and capitalize on the park's ability to function as a community gathering space, ultimately strengthening Pajaro community connections.

AB 102 funding must be expended by December 2025 and PSMCSD informed the County they would be unable to complete the work on this timeline. In order to support PSMCSD and complete the proposed repairs by the expenditure deadline, Public Works, Facilities, and Parks (PWFP) has agreed to leverage the County's Job Order Contracts (JOC) to complete the work.

The purpose of the Agreement (**Attachment B**) is to formalize the requirements associated with AB102 funding, ensure all governing guidance is clearly outlined for compliance purposes, and permit Right of Entry for the performance of grant funded work by the County on PSMCSD Pajaro Park property. Following execution of this Agreement, the Department of Emergency Management (DEM) and PWFP will partner with PSMCSD to ensure project implementation aligns with the purpose of the AB102 funding allocation.

Upon completion, the remaining funds may be allocated to Pajaro Park to fund ongoing maintenance needs at the Park. In 2015, PSMCSD and the County entered into a Memorandum of Understanding for Operation and Maintenance of the Park to include an annual allocation of \$25,000 until June 30, 2039. The allocation is intended to help offset annual maintenance costs. Based on previous statements by the District and reviews of their Fiscal Year 2022 financial documents, the annual operating funds needed are approximately \$59,000 to \$64,000. This amount will increase each year by 3.5% due to rising labor and materials costs. PSMCSD has a Park Fund that was initially created with the assistance of a third-party fundraising non-profit

but has since become defunct and fundraising has ceased. At this time, PSMCSD has not identified a long-term funding source for the Park. AB 102 funds will allow PSMCSD to address a major capital improvement need by replacing the artificial turf field. After project completion, the remaining allocated AB 102 funds could be used to address PSMCSD's current operations and maintenance funding gap. Since the County must expend these funds by December 2025, Staff are proposing to transfer the remaining allocated AB 102 funds with a third party for distribution to PSMCSD for future operation and maintenance expenses at Pajaro Park.

California Environmental Quality Act (CEQA) Action: The Project has been determined to be categorically exempt pursuant to CEQA Guidelines section 15301 and 15302 (replacement or reconstruction of existing facilities) because the project involves the repair and/or replacement of existing facilities, involves no expansion of an existing use, and any replacement or reconstruction will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced (See CEQA Guidelines, California Code of Regulations (CCR) Section 15301 Existing Facilities and 15302 Replacement or Reconstruction of Existing Facilities). PWFPP will file a Notice of Exemption for the Project with the State Clearinghouse (SCH), a division of the Governor's Office of Planning and Research (OPR), which coordinates State-level review of environmental documents prepared pursuant to CEQA.

OTHER AGENCY INVOLVEMENT:

County Counsel, Risk Management and PWFPP have reviewed and approved this as to legal form. The Agreement has been approved by the PSMCSD Board.

FINANCING:

There will be no impact on the General Fund from this action. The Project is funded by the California Office of Emergency Services (CalOES) 2023 Winter Storm Flood Relief (WS) Program #WS23 01 0270. This funding is already in the Department of Emergency Management budget for FY 2024-25. PWFPP and DEM will execute an inter-departmental Reimbursable Services Agreement (RSA) for completion of this project. PSMCSD will be responsible for any additional future obligations and maintenance related to the completed repairs/replacements.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

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

Prepared by: Laura Emmons, Emergency Services Manager
Approved by: Kelsey A. Scanlon, Director of Department of Emergency Management,
x1902
Approved by: Nick Chiulos, Chief Assistant County Administrative Officer, x5145

Attachments:

Attachment A: Resolution

Attachment B: Pajaro Sunny Mesa Community Services District Right of Entry and Indemnification Agreement