



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/2/2010
Agenda Placement: 7F

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: John Woodbury, PARK AND OPEN SPACE PRG MGR - 259-5933
SUBJECT: Extension of Concessionaire Agreement with Skyline Park Citizens Association

RECOMMENDATION

Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 6 to Agreement No. 1654 with the Skyline Park Citizens Association extending the term until February 19, 2015 for an annual payment of \$100 and making other changes related to concessionaire services at Skyline Wilderness Park.

EXECUTIVE SUMMARY

Napa County entered into a five-year Concessionaire Agreement with the Skyline Park Citizens Association effective February 20, 1980 to improve and operate Skyline Wilderness Park on approximately 850 acres of land leased by the County from the State of California and located east and south of the Napa State Hospital. The Concessionaire Agreement provided for nine five-year extensions beyond the initial five-year term if so requested by the Association, provided the Association was not in default of the terms of the agreement. The last extension continued the agreement until February 20, 2010. The Association has requested another extension, which will continue the agreement through February 19, 2015. The County Board of Supervisors on September 22, 2009 approved a Master Plan Update for the park, which formalized purposes, policies and strategies for Skyline Wilderness Park. In addition to extending the agreement for an additional five years, the proposed Amendment No. 6 to the Concessionaire Agreement incorporates the Master Plan by reference and modifies the agreement in a variety of ways to be consistent with the purposes, policies and strategies identified in the Master Plan. The Association approved Amendment No. 6 at its general membership meeting of January 12, 2010.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Parks - General Fund (BU 71100)
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Approval of Amendment No.6 has a direct positive benefit to the County of \$100 per year.
Is the general fund affected?	Yes
Future fiscal impact:	The net positive benefit of \$100 per year will continue each year until 2015.
Consequences if not approved:	By the terms of Agreement No. 1654, the County must extend the agreement at the request of the Skyline Park Citizens Association unless it finds the Association has violated the terms of the agreement. Not extending the agreement would require the County to either take over direct management of Skyline Wilderness Park or terminate its lease of the property with the State of California, which could result in significant but unknown costs for the County.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is exempt from the California Environmental Quality Act per 14 California Code of Regulations 15301 (State CEQA Guidelines): Class 1 Existing Facilities.

BACKGROUND AND DISCUSSION

Napa County entered into Agreement No. 1653 with the State of California on February 20, 1980 to lease approximately 850 acres of open space east and south of Napa State Hospital for the purpose of establishing a public park. The lease was for a term of 50 years, until February 19, 2030. The agreement allowed the County to enter into concessionaire agreements to fulfill its leasehold rights and responsibilities.

The County separately entered into Agreement No. 1654 with the non-profit corporation Skyline Park Citizens Association to act as a concessionaire to the County for the purpose of constructing, maintaining and operating the County-leased area as a public park. The Agreement was for an initial five year term, with an option for the Association to extend the term for nine additional periods of five years each, subject to the continued effectiveness of the County's lease with the State and the Association's compliance with the terms and conditions of the Agreement. The Agreement has been extended five times, such that the term of the Agreement now runs through February 19, 2010.

The County and the Association in addition entered into Agreement No. 4774 on June 18, 2002, whereby the Skyline Park Citizens Association agreed to improve and manage the River to Ridge Trail, which connects the City of Napa's Kennedy Park and Skyline Wilderness Park, utilizing a permanent easement that had been obtained by the County from the State on March 30, 1999. The term of this Agreement was until February 12, 2005, with an option to extend for additional terms of five years each, concurrent with the extension of Agreement No. 1654 for Skyline Wilderness Park. In an apparent oversight, Agreement No. 4774 was not renewed in 2005 so has technically lapsed; nonetheless, the Association has continued to manage the River to Ridge Trail since that time on behalf of the County.

On September 22, 2009, the County approved a Master Plan for Skyline Wilderness Park, which updated the original General Development Plan for the park by incorporating all of the changes which had taken place since the original state lease agreement had been approved, and which provided clear purposes, policies and strategies for the management of the park.

On November 10, 2009, the Association requested in writing that the Concessionaire Agreement be extended for another five year term, until February 2015. In addition to extending the Concessionaire Agreement for another five year term, Amendment No. 6 to Agreement No. 1654 makes numerous changes that incorporate and implement the purposes, policies and strategies of the Master Plan. These changes were reviewed and approved by the Skyline Park Citizens Association at their general membership meeting on January 12, 2010.

The principal changes to Agreement No. 1654 which are included with this Amendment No. 6 include the following:

- | The General Development Plan approved as part of the original agreement is supplemented by the Master Plan Update adopted in 2009.
- | Important laws and regulations which apply to park activities are included so that all parties are clear about the existence and application of these laws and regulations. These cover such topics as non-discrimination, prevailing wages, right to work, payroll record keeping, and conflict of interest.
- | The River to Ridge Trail is added to the definition of the park premises.
- | An updated fee schedule for the park is confirmed.
- | An updated five year capital improvement plan is adopted.
- | As called for in the Master Plan, the amendment clarifies how Association decisions affecting the park are made, including how advance public notice of pending decisions will be provided.
- | Relationships that the Association had previously entered into with three other non-profit organizations (California Native Plant Society--Napa Chapter, Silverado Archers, Inc. and Skyline Riders Association) are formally authorized. These formally authorized agreements make changes to the prior unofficial agreements so that they comply with the policies contained in the Master Plan, and ensure that public park purposes are being served. The changes also add the County's standard contract provisions (including but not limited to insurance, indemnification, and non-discrimination requirements) that are relevant to the types of activities being performed by these organizations.
- | The process by which the Association provides required notifications to and obtains approvals from the County is updated to reflect current County practices.

Amendment No. 6 to County Agreement No. 1654 recognizes the significant accomplishments which the Association has made in developing and operating Skyline Wilderness Park, implements the policies of the park's Master Plan adopted by the Board of Supervisors in 2009, and implements strategies identified in the Master Plan. The amendment must be approved by the Board of Supervisors prior to February 20, 2010 in order to avoid having Agreement No. 1654 terminate and cause no authorized management structure to be in place.

Approval of this amendment is consistent with the County's continued interest in acquiring the park property from the State. Purchase of the property would guarantee the long-term protection of the property as well as provide the County more flexibility in managing and improving the park, but would be unlikely to change the County's interest in having the Skyline Park Citizens Association operate the park as the County's concessionaire.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi