

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

.....day, 20.....

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION OF FINDINGS CONCERNING USE OF
PARKS PUBLIC FACILITY FEES AND QUIMBY ACT FEES TO FUND
CONSTRUCTION OF PARK LAND IMPROVEMENTS
AT JACK READY IMAGINATION PARK**

The following resolution is hereby offered and read:

WHEREAS, Jack’s Helping Hand, Inc., a non-profit corporation, holds a long term lease for 30 acres of unimproved County real property located off of Illinois Avenue in Nipomo, CA (the “Property”) for the purpose of creating a universally accessible public family park (“Jack Ready Imagination Park”); and

WHEREAS, Jack’s Helping Hand, Inc. has partnered with the County to improve Illinois Way, a public thoroughfare leading to Jack Ready Imagination Park at no cost to the County; and

WHEREAS, Jack’s Helping Hand, Inc. has provided essential services to hundreds of children and families of San Luis Obispo County since 2006 at no cost to the County; and

WHEREAS, Jack’s Helping Hand, Inc. has received over one million dollars of support regionally from residents, businesses and non-profit agencies; and

WHEREAS, Jack’s Helping Hand, Inc. has provided general maintenance for the Property at no cost to the County; and

WHEREAS Jack’s Helping Hand, Inc. has requested \$106,500 of Parks Public Facility Fees and \$426,000 of Quimby Act fees to combine with private contributions for neighborhood park land development and construction on the Property for the provision of public park and recreation services to the community including: site preparations, utilities, recreational structures, hardscapes, landscapes, and playground for public park purposes on the property to serve the subdivisions from which the fees were derived and residents and visitors of the County; and

WHEREAS, Jack’s Helping Hand, Inc. has committed to providing for the ongoing programming, administration and maintenance needs of Jack Ready Imagination Park at no cost to the County; and

WHEREAS, Policy 3.3 of the Parks and Recreation Element of the San Luis Obispo County General Plan directs staff to seek “joint use agreements, volunteer and other partnership opportunities to augment recreational services and reduce project costs”; and

WHEREAS, Government Code section 66477 (the “Quimby Act”) and County Code sections 21.09.010 et seq. provide that Quimby Act fees are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision; and

WHEREAS, Government Code sections 66000 et seq. and County Code sections 18.01.010 et seq. specify that Public Facility Fees are to be used for the construction, expansion or improvement of public facilities, which includes parks and recreation facilities; and

WHEREAS: the County has sufficient undesignated funds available in the Parks Public Facility Fees and Quimby Act Fees accounts to contribute to this project; and

WHEREAS, the San Luis Obispo County Parks and Recreation Commission on September 27, 2012 unanimously supported the designation of Park Public Facility Fees and Quimby Act Fees for funding of the Jack Ready Imagination Park project.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Quimby Act and Public Facilities Fees are appropriate for the funding of the development of the Jack Ready Imagination Park on the Property.

2. Funding for the park lands improvements at the Jack Ready Imagination Park is added to the Public Facilities Financing Plan for Parks and such funds are appropriated for that project.

3. Park Public Facility Fee funding for said project is established and not to exceed \$106,500 is allocated from the Park Public Facility Fees fund.

4. Quimby Act Fee funding for the project is appropriate as the park is being developed to serve the subdivisions from which the fees were derived. Funding for the project is established and not to exceed \$426,000 is allocated from the Quimby Act Fee fund.

5. A Mitigated Negative Declaration was previously approved by the Board of Supervisors on December 14, 2010 as complete and adequate for General Plan Amendment LRP2009-00003 and Conditional Use Permit DRC2009-00062 (ED 09-157), and as having been prepared in accordance with the provisions of the California Environmental Quality Act; and the Mitigated Negative Declaration evaluated the project's physical development and operation of the property as a park, and the proposed request for Parks Public Facility Fees and Quimby Fees is consistent with the Mitigated Negative Declaration and does not include any additional physical impacts to the environment.

6. The information contained in the Mitigated Negative Declaration has been reviewed and considered together with all comments received during the public review process prior to approving the project.

7. The County General Services Agency Director is delegated authority to enter into a written agreement between the County General Services Agency and Jack's Helping Hand, Inc. for management of the project. The agreement shall be in a form approved by County Counsel and shall include provisions ensuring that all relevant and applicable laws and codes are followed including but not limited to those pertaining to prevailing wage requirements, building code(s), etc. and disbursing funds consistent with this purpose.

8. The project will be completed no later than thirty-six months following execution of the written agreement specified in paragraph 7 above.

Upon Motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: Sharon G. Matuszewicz
Deputy County Counsel

Date: October 16, 2012