

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

DEPT: Parks and Recreation

BOARD AGENDA # *B-9

Urgent Routine

AGENDA DATE June 18, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Accept Various Donations for the Fairview Park Renovation Project Located in the Modesto Area

STAFF RECOMMENDATIONS:

Authorize the Director of Parks and Recreation to accept the donations from Supervisor Jim DeMartini and community volunteers for the Fairview Park Renovation Project.

FISCAL IMPACT:

The community has begun fund raising activities in which funds will be donated through the Stanislaus Foundation. The amount of the donations is unknown at this time. The equipment and labor donation required for leveling the ground is estimated to be valued at \$850. The Parks Department will purchase the grass seed and re-seed the area at an estimated cost of \$200. Adequate appropriations exist within the Parks Department budget.

BOARD ACTION AS FOLLOWS:

No. 2013-299

On motion of Supervisor Monteith, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

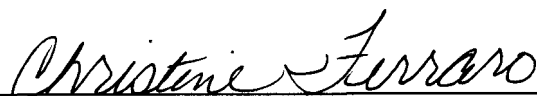
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Accept Various Donations for the Fairview Park Renovation Project Located in the Modesto Area

DISCUSSION:

Fairview Park is located on the southwestern edge of Modesto within the unincorporated area of Stanislaus County. The site encompasses four acres, and was developed as a baseball field, with a basketball court and group picnic area that includes restrooms and an informal play area. The original concept was that it would serve the nearby homes, and that future development would ultimately surround the Park. Today, the Park still lies adjacent to undeveloped land because the anticipated development never occurred.

In recent years, the Park has suffered as the result of budget cuts and vandalism. The restrooms were permanently closed and the grassy areas became riddled from rodent damage making the play areas less than conducive to active sports, like soccer, because of the uneven terrain. While the Parks and Recreation Department regularly mows and maintains the facility, insufficient funding exists to renovate the Park.

In August of 2012, the Stanislaus County Parks Commission (Commission) was approached by a group of interested private citizens about volunteering their efforts to help restore and maintain Fairview Park. The spokesperson was Manuel Rivera who represented the Manos Unidos Community group. Subsequent to this, the Commission held its October 2012 meeting at the Park to discuss the community's concerns in more detail and to observe the condition of the Park. Following this, a sub-committee of the Commission was formed to assist the community volunteers with prioritizing their proposed improvements. Collectively, these priorities were identified as follows:

- 1) Leveling the ground;
- 2) Reopening the bathrooms;
- 3) Restoring the lighting;
- 4) Paving the driveway and parking area;
- 5) Adding playground equipment; and
- 6) Adding picnic tables.

Supervisor Jim DeMartini has graciously volunteered to provide the equipment and labor with which to level the grassy areas, after which Parks staff would re-seed the area. The community volunteers have begun their independent fund raising activities. The Department is working to encourage individuals to join the County's Volunteer Program along with providing them information about how donations can be made through the Stanislaus Community Foundation; a non-profit organization. If the Board of Supervisors approves to accept these donations, the grassy areas could be re-seeded by mid-summer 2013. Each of the volunteers will be required to complete a waiver (Attachment A) that will limit the County's liability and ensure that these entities will not retain any vested interest in any of the property and renovations by virtue of their donation.

The Stanislaus County Parks and Recreation Commission has discussed this topic at several of its recent meetings and found that the project is consistent with the Parks Master Plan adopted on August 24, 1999. This project is exempt from CEQA under Section 15302 Replacement or Reconstruction.

Approval to Accept Various Donations for the Fairview Park Renovation Project Located in the Modesto Area

This is the fourth park renovation by private parties to be brought before the Board for consideration. The three previous projects approved and completed by volunteer groups were the Modesto Rotary Club at Oregon Park, the Salida Rotary Club at Broadway Park, and the Laird Park renovation which was completed by a group of citizens who largely desired to remain anonymous.

This generous donation has come at a very good time since the budget for the Parks and Recreation Department has been reduced to such a level that only a minimum amount of maintenance can be provided to Fairview Park. While it is unlikely that there will be sufficient funding in the near future to do paving or reopen the bathrooms, the Department will search for funding to add playground equipment, lighting, and picnic tables. The Fairview Park Renovation Project will provide much needed open park space for families and communities to gather and enjoy the outdoors. Staff recommends that the Board direct staff to bring back commendations for the generous volunteers on this effort after completion of the current renovation project.

POLICY ISSUE:

This action is consistent with the Board's priorities of A Safe Community, A Healthy Community, and A Well Planned Infrastructure System by partnering with community members to provide a special opportunity within Stanislaus County.

STAFFING IMPACTS:

Department staff will work with Supervisor Jim DeMartini and the community volunteers to maintain and upgrade Fairview Park.

CONTACT PERSON:

Jami Aggers, Director of Parks and Recreation

Telephone: 209-525-6770

**HOLD HARMLESS AGREEMENT
AND WAIVER OF CLAIMS AND INTERESTS**

The undersigned, _____, agrees to defend, indemnify and hold harmless the County of Stanislaus, its officers, employees and agents from and against any and all claims, demands, damages, costs, liabilities or loss of any kind or nature which the County, its officers, agents or employees may sustain or incur or which may be imposed upon them for injury to or death of persons or damage to property as a result of or arising out of the use of the County facilities and premises by the person or organization named above or the officers, employees, or participants, patrons, or visitors. The undersigned further agrees to pay any and all costs and expenses, including but not limited to court costs and reasonable attorneys' fees, incurred by the County on account of any such claims, demands, or liabilities.

The undersigned further agrees that acceptance of the donations of labor, materials, equipment and design work by the Stanislaus County Board of Supervisors creates no rights, interests, licenses (revocable or irrevocable), easements (express, implied, or by estoppel) or covenants that are personal or that run with the land by the persons or entities or their agents and/or employees who made the donation, to or in the park, and land. It is further agreed that the undersigned intends the donation of labor, materials, equipment, and design work to the County in favor of public use and that the undersigned retains no interest in or creates no rights to continue to manage or maintain the donated time, material, labor, or design work upon completion of the project. It is expressly understood there is no agreement or ongoing commitment by the County to maintain the park in the same condition as it will be upon completion of the project should funds be unavailable to further maintain the park.

Dated: _____

Authorized Representative

Print Name: _____

Title: _____

Signature: _____

Address: _____

City/State: _____

Contact Phone: _____

Park Site: _____

Dates of Use: _____