



R-10-42
Meeting 10-13
July 8, 2010

AGENDA ITEM #4

To: Board of Directors
Open Space Authority

From: Patrick Congdon
General Manager

RECOMMENDATION

Adopt Resolution dedicating former Blair Ranch for open space purposes; APN's: 742-23-002, 742-23-003 and 742-24-014.

COST / REVENUE

There are no costs associated with this item.

BACKGROUND

In 2003, pursuant to Public Resources Code Section 35152 (a part of the Authority's enabling act), the Board passed a resolution dedicating certain acquired lands as open space. Section 35152 provides, in part, as follows:

An easement or other interest in real property may be dedicated for open-space purposes by the adoption of a resolution by the governing board, and any interest so dedicated may be conveyed only as provided in this section.

The authority may not validly convey any interest in any real property actually dedicated and used for open-space purposes without the consent of a majority of the voters of the authority voting at a special election called by the governing board and held for that purpose....

Leases of 25 years or less are exempt from the requirement for voter consent.

A portion of the total funding for the acquisition of the Blair Ranch was accomplished by a grant from the Californian Coastal Conservancy. By accepting grant funding from the California Coastal Conservancy, the Authority agreed to enter into an irrevocable offer to permanently dedicate the property for habitat preservation, open space protection, public access and incidental agricultural use. This was completed and recorded with other documents during the purchase.

This year, the Authority was audited by the California Department of Finance in regards to its purchase of the Blair Ranch. The Department has raised concerns about the controls in place to ensure that the conservation values, as envisioned by the Coastal Conservancy grant, are protected.

Staff has contacted the Department and has offered as a solution to address these concerns a recommendation that the Board also dedicate the Blair Ranch pursuant to Public Resources Code Section 35152. Staff recommends that the Board dedicate the Blair Ranch pursuant to Section 35152, and if a resolution is so adopted, staff would forward the resolution to the Department to provide added assurances.

Attachment(s): Resolution 10-26