

**February 3, 2012**

# **Partnership Workbook for Operating Agreements**



**State of California  
Department of Parks and Recreation**

## **Department Mission**

The mission of California State Parks is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

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STATE PARKS welcomes your interest in a PARTNERSHIP.

Please direct any questions regarding PARTNERSHIPS to the DISTRICT SUPERINTENDENT of the PARK unit of interest (see our website for contact list [www.parks.ca.gov](http://www.parks.ca.gov)).

Important information about PARTNERSHIPS and this workbook can be found on our website [www.parks.ca.gov](http://www.parks.ca.gov)

NOTE: Meanings of words and terms shown in SMALL CAPS are in the Definitions Section at the back of this workbook.

# Guiding Principles for Park Operation Partnerships

## Introduction

CALIFORNIA STATE PARKS has a long and successful history of PARTNERSHIPS. These mutually beneficial PARTNERSHIPS have resulted in improved delivery of the DEPARTMENT'S mission and in substantial contributions to the improvement of recreational, stewardship and preservation ACTIVITIES within the State Park System. The primary intent of PARTNERSHIPS is to assist CALIFORNIA STATE PARKS in meeting its mission to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued NATURAL and CULTURAL RESOURCES, and creating opportunities for high-quality outdoor recreation.

CALIFORNIA STATE PARKS is mandated to provide responsible stewardship of the resources placed under its jurisdiction. Standards of public access with respect to PARTNERSHIP operations will be consistent with standards of access applied to typical STATE PARK operations and will take into account any legal restrictions regarding access such as Land and Water Conservation Fund supported PARKS.

To assist in meeting this mandate, CALIFORNIA STATE PARKS will continue to seek compatible, creative, and innovative PARTNERSHIPS to maintain and enhance PARK facilities and address increasing recreational and interpretation demands. This includes efforts to prevent closing PARK units to meet budget reductions. STATE PARKS will meet this challenge without relinquishing ownership, control, or responsibility for the integrity and protection of the land and facilities under its stewardship.

These guiding principles are general and based on similar guiding principles established by other PARK systems throughout the United States that are facing similar financial challenges. They are intended to assist the DEPARTMENT in its internal management and decision making concerning PARTNERSHIPS. The facts and circumstances of each PARTNERSHIP PROPOSAL must be considered to determine whether a particular PARTNERSHIP is appropriate.

# Guiding Principles for Park Operation Partnerships

## Guiding Principles

1. PARTNERSHIP ACTIVITIES shall provide a public benefit consistent with CALIFORNIA STATE PARKS' mission.
2. PARTNERSHIP ACTIVITIES shall be compatible with the classification of the STATE PARK unit and shall take into account the protection of the facility's recreational, NATURAL, and CULTURAL RESOURCES.
3. PARTNERSHIP ACTIVITIES being considered for a specific PARK shall be evaluated within the context of the General Plan and other approved land use management plans for that property.
4. Generally, PARTNERSHIP ACTIVITIES should be self-sufficient. Any increased maintenance and operational responsibility to STATE PARKS shall be evaluated within legal requirements including Public Resources Code §5080.42 and the context of the DEPARTMENT'S budget and the enhanced delivery of services.
5. PARTNERSHIP ACTIVITIES shall provide reasonable public access, use, and enjoyment.
6. PARTNERSHIP recognition or sponsorship shall be consistent with the CALIFORNIA STATE PARKS Donor and Sponsorship Recognition Guidelines and approved by the DEPARTMENT.
7. PARTNERSHIP ACTIVITIES shall provide responsible protection of NATURAL and CULTURAL RESOURCES.
8. CALIFORNIA STATE PARKS shall maintain stewardship and trustee responsibilities for units within the State Park System.

## Partnership Options

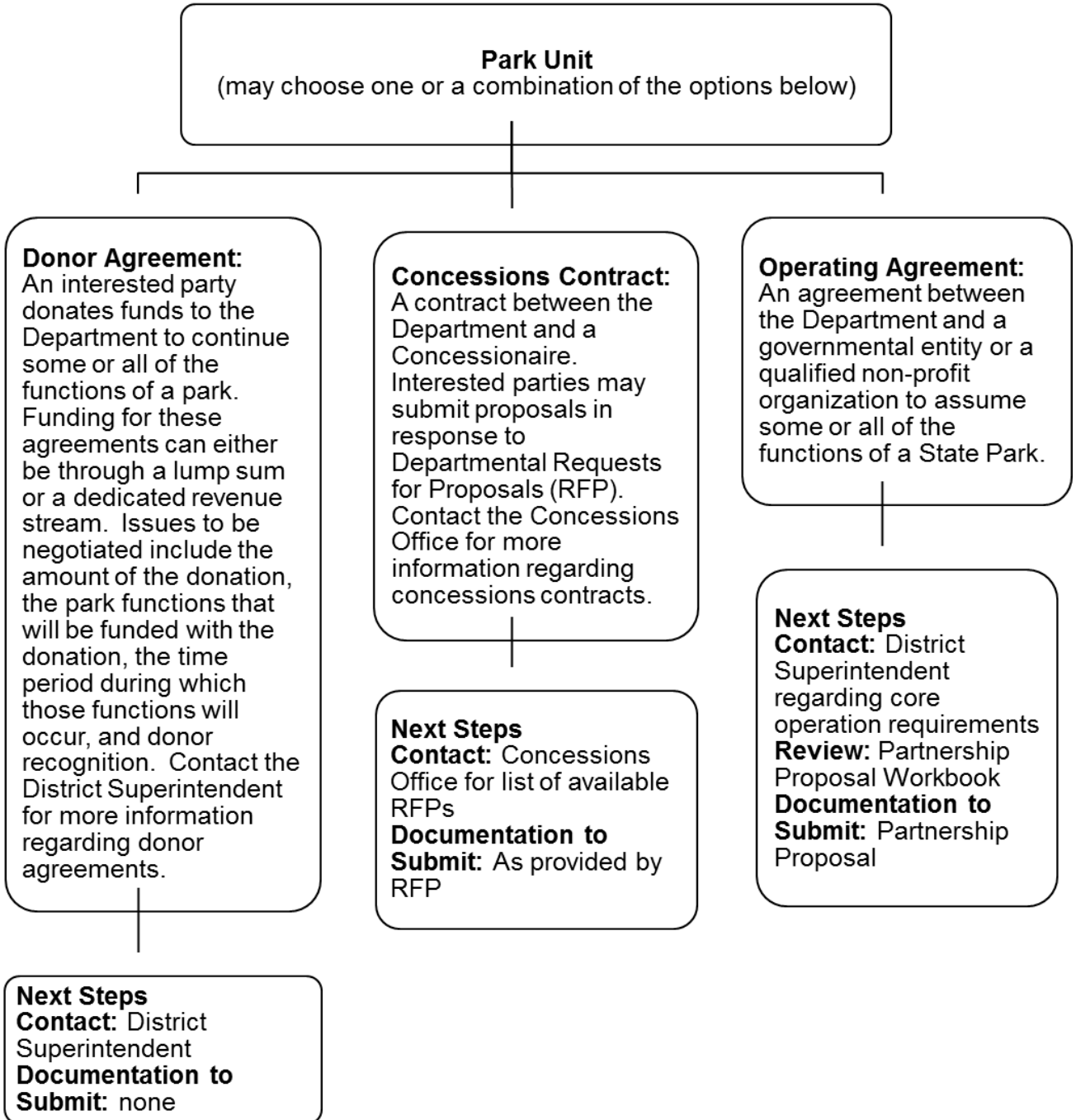
CALIFORNIA STATE PARKS is committed to exploring all opportunities for possible PARTNERSHIP options – whether with non-profits, local governments, for-profit companies or combinations and hybrids thereof – to ensure the maximum possible benefit for the public by keeping PARKS open and serving visitors.

With that in mind, there are three PARTNERSHIP category options:

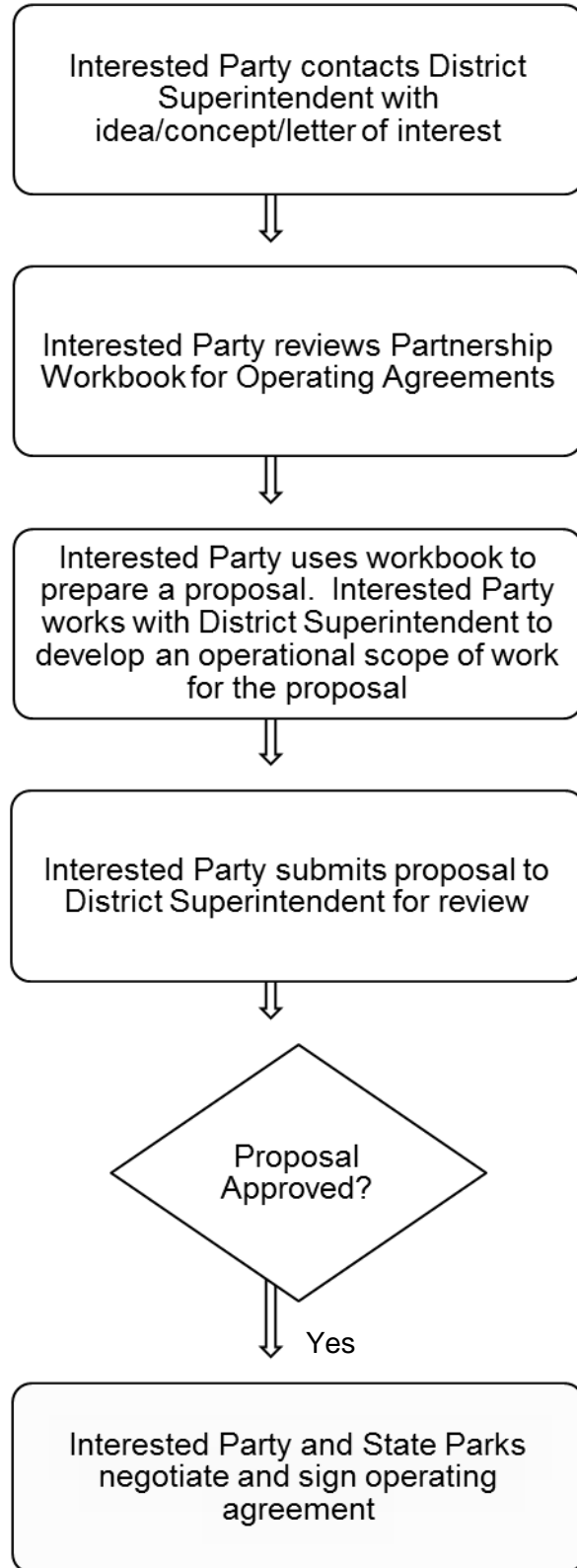
1. **Donor Agreement:** An interested party donates funds to the DEPARTMENT to continue some or all of the FUNCTIONS of a PARK. Funding for these agreements can either be through a lump sum or a dedicated revenue stream. Issues to be negotiated include the amount of the donation, the PARK FUNCTIONS that will be funded with the donation, the time period during which those FUNCTIONS will occur, and donor recognition. Contact the DISTRICT SUPERINTENDENT for more information regarding donor agreements.
2. **Concession Contract:** A contract between the DEPARTMENT and a Concessionaire. Interested parties may submit PROPOSALS in response to Departmental Requests for Proposals (RFP). Contact the Concessions Office for more information regarding concession contracts.
3. **Operating Agreement:** An agreement between the DEPARTMENT and a governmental entity or a qualified non-profit organization to assume some or all of the FUNCTIONS of a STATE PARK.

The remainder of this document focuses on OPERATING AGREEMENTS. This document is not intended to provide comprehensive information about all of the elements involved in a PARTNERSHIP OPERATING AGREEMENT. Each PARK has its own unique set of CULTURAL and NATURAL RESOURCES, opportunities, guiding plans and documents. It is essential that interested parties work closely with DISTRICT SUPERINTENDENT in the development of their PROPOSALS.

# Partnership Options Flowchart



# Operating Agreement Flowchart



## Eligible Operating Agreement Partners

- Public agencies such as the United States Federal Government, cities, counties and districts (as provided by Public Resources Code section 5080.30).
- Non-profit entities which meet the following requirements (as provided by Public Resources Code 5080.42):
  - Tax exempt status pursuant to 501(c) 3 of the Internal Revenue Code
  - A principal purpose and activity to provide visitor services in State Parks, facilitate public access to park resources, improve park facilities, provide interpretive and educational services, or provide direct protection or stewardship of natural, cultural, or historical lands, or resources.
  - Be in compliance with the Supervision of Trustees and Fundraisers for Charitable Purposes Act, Article 7(commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

The Department will only approve proposals where the qualifications of the interested party provide reasonable assurance that assets and resources of the Department will be protected.



# Proposal Checklist

This checklist will assist you in providing a comprehensive PROPOSAL that has the best chance at succeeding in providing assistance in operating a PARK unit. The following pages may seem intimidating, but please remember that one size does not fit all for the PARKS in the State Park System. Each PARK has its own set of unique resources and operational elements and each PROPOSAL will be evaluated on a case-by-case basis using the specifics of that individual PARK.

It is very important that you work with the DISTRICT SUPERINTENDENT to clarify the unique circumstances of each PARK and identify what elements are essential to a successful operation and which elements are not essential.

The DEPARTMENT has identified six core elements of an OPERATING AGREEMENT PROPOSAL. Check with the DISTRICT SUPERINTENDENT to verify which elements apply to the specific PARK of interest.

Part 1. <input type="checkbox"/> Organizational Information and Certification .....	8
Part 2. <input type="checkbox"/> Proposal Summary (One page maximum) .....	9
Part 3. <input type="checkbox"/> Authorizing Resolution .....	10
Part 4. <input type="checkbox"/> Non-profit Requirements (if applicable) .....	12
Part 5. <input type="checkbox"/> Financial Plan.....	13
Part 6. <input type="checkbox"/> Core Function Plan .....	15

# Part 1. Organizational Information & Certification

## CONTACT INFORMATION

Name of Submitting Organization:

State of Incorporation:

Tax ID:

Contact Name:

Contact Address:

Contact Phone:

Contact Email:

## GENERAL PROJECT INFORMATION

State Park of Interest:

I represent and warrant that this proposal describes the intended State Park partnership approved by my Governing Body/Board of Directors through the Authorizing Resolution included in this packet. I declare that the information contained in this proposal, including required attachments, is accurate.

Signature of Authorized Representative as shown in Resolution

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

## Part 2. Proposal Summary

Please provide a one-page summary of your PROPOSAL to operate a STATE PARK. You will have the opportunity to provide more specific details of your intent to operate the PARK as you complete the full PROPOSAL as outlined in the Proposal Checklist, page 7 of this workbook.

The purpose of the brief PROPOSAL summary is to provide the DEPARTMENT with information necessary to determine if your PROPOSAL is consistent with the Guiding Principles for Partnership Agreements, and whether it provides a benefit to the public.

Your one-page summary should include a brief description of the following:

1. The fees you intend to charge as well as any reduced fee, discount or free programs or services to be provided
2. The ACTIVITIES, programs and services that will occur in the PARK under your PROPOSAL
3. ACTIVITIES you see being fulfilled by other partners or STATE PARKS
4. If any proposed ACTIVITIES require the assistance of STATE PARKS, describe the required assistance
5. An acknowledgement that facilities and programs must comply with Americans with Disabilities Act (ADA) requirements
6. Your PROPOSAL may provide that you will pay the DEPARTMENT to continue certain CORE FUNCTIONS. For example, you may wish to pay the DEPARTMENT to continue law enforcement FUNCTIONS. PROPOSALS involving this element should be discussed with the DISTRICT SUPERINTENDENT. It should be noted that due to personnel management RULES, you may not select specific DEPARTMENT employees to stay at the PARK. If your PROPOSAL does include such provisions, they should be clearly noted in the PROPOSAL

As you further develop your PROPOSAL, please consider the following elements that apply to all PROPOSALS to operate a STATE PARK:

- PARK operations must be consistent with the DEPARTMENT'S mission and the Guiding Principles for Partnership Agreements (see page 1)
- PARK management is subject to a variety of laws, regulations, RULES, plans and policies. Partners will be subject to most of these same RULES, with some limited exceptions
- STATE PARKS shall maintain authority and responsibility for the stewardship and management of NATURAL and CULTURAL RESOURCES
- ACTIVITIES, other than those now provided, may be allowed if consistent with the PARK'S RULES; if your PROPOSAL includes ACTIVITIES not currently occurring at the PARK, consult with the DISTRICT SUPERINTENDENT to determine whether such ACTIVITIES would be allowed
- Departmental EQUIPMENT, vehicles and supplies will not be available to partners

### **Part 3. Authorizing Resolution**

Authorizing resolutions are required for all interested parties. The purpose of the resolution is to establish a commitment to the PROPOSAL on behalf of the organization, and to designate an individual as the legally authorized representative of the organization.

The resolution template on the following page may be reformatted. However, the language provided in the resolution template must be included in the reformatted document. Please be aware that any additional changes may delay review of the PROPOSAL, as they may require CALIFORNIA STATE PARKS' Legal Office review or subsequent revisions.

## Resolution Template

RESOLUTION OF THE  
(Title of Governing Body/City Council/Board of Supervisors/Directors) OF  
(City, County, District, Non-Profit Organization)  
Approving the Proposal for  
PARK PARTNERSHIP

WHEREAS, the State of California Department of Parks and Recreation (“State Parks”) is authorized by statute to establish procedures whereby a qualified non-profit entity or public agency may enter into an agreement to operate some or all of a State Park, and

WHEREAS, said procedures established by State Parks require the potential partner to certify by resolution the approval of proposal(s) before submission of said proposals(s) to State Parks; and

WHEREAS, the [name of organization] now proposes to enter into such an operating agreement with State Parks.

NOW, THEREFORE, BE IT RESOLVED that the (interested partner’s governing body) hereby:

Approves the filing of a proposal for an operating agreement for the (name of PARK), and

1. Certifies that said interested party has or will have available, prior to commencement of any activities described in this proposal, the sufficient funds for these activities should this proposal be approved; and
2. Delegates the authority to (designated position) to conduct all negotiations, sign and submit all documents, including, but not limited to operating agreements, amendments, and financial statements, which may be necessary for the completion of the proposal; and
3. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and adopted the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

I, the undersigned, hereby certify that the foregoing Resolution Number \_\_\_\_ was duly adopted by the (Interested Party’s Governing Body) following a roll call vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
(Clerk or Board Secretary)

## **Part 4. Non-profit Organization Requirements**

This documentation will allow the DEPARTMENT to determine if the organizational mission of the interested party meets the eligibility requirements, and whether the organization has both the financial resources and organizational capacity to comply with the terms of its PROPOSAL. The DEPARTMENT may only approve PROPOSALS where the qualifications of the interested party provide reasonable assurance that assets and resources of the DEPARTMENT will be protected.

If any of this documentation is not available it will not necessarily preclude consideration of your PROPOSAL but may result in further discussion, processing delays or possible ultimate denial. Please discuss any missing documents with the DISTRICT SUPERINTENDENT.

### **Organizational Information:**

- Articles of Incorporation
- Bylaws
- Letter of Determination from IRS

### **Most Recent Financial Documents:**

- IRS 990
- Balance sheet for last year-end, and current year to date
- Year-end income statement
- Year-end audit
- AG State Charitable Trust RF 1 (if applicable)

### **Organizational Capacity:**

- Brief institutional history
- Describe or include two previous projects, accomplishments or publications
- Organization chart
- Professional qualifications of key staff

Additional information may be requested depending on the core operating ACTIVITIES proposed to be performed.

## **Other Requirements**

Additional bonds and insurance may be required depending on the ACTIVITIES involved in the PROPOSAL.

## Part 5. Financial Plan

Please provide a financial plan that includes a proposed operating budget for the first full year of operation, and if applicable, a capital improvement expenditure plan. If you intend to fundraise, please describe your fundraising capacity, your fundraising strategy, and provide examples of fundraising campaigns.

The purpose of this plan is to allow the DEPARTMENT to evaluate whether your PROPOSAL is financially viable, and if it will be financially beneficial to the DEPARTMENT. The DEPARTMENT must be able to evaluate the expected contribution by STATE PARKS to determine if the PROPOSAL will save sufficient money to meet the DEPARTMENT'S budget reduction requirements.

A worksheet with common elements is provided below:

### Proposed Annual Operations Budget

	<b>Partner</b>	<b>Proposed State Parks Match</b>
<b>INCOME</b>		
Park Admission Ticket Sales	\$ _____	\$ _____
Retail Sales	\$ _____	\$ _____
Program Income	\$ _____	\$ _____
Memberships/Fundraising	\$ _____	\$ _____
Facility Rental/Special Events	\$ _____	\$ _____
Special Assessments	\$ _____	\$ _____
<b>TOTAL INCOME</b>	<b>\$ _____</b>	<b>\$ _____</b>
<b>COST OF SALES</b>	<b>\$ _____</b>	<b>\$ _____</b>
<b>GROSS MARGIN</b> <i>(Income - Cost of Sales)</i>	<b>\$ _____</b>	<b>\$ _____</b>
<b>EXPENSES</b>		
Salary, Wages and Benefits (Provide detail for positions)	\$ _____	\$ _____
Administrative Expense	\$ _____	\$ _____

Retail Operations Expense	\$ _____	\$ _____
Program Expense	\$ _____	\$ _____
Facilities Maintenance	\$ _____	\$ _____
Utilities		
Phones		
Ongoing Repairs		
Other (Provide detail for other expense)	\$ _____	\$ _____
TOTAL EXPENSE	\$ _____	\$ _____
NET INCOME (LOSS)	\$ _____	\$ _____

**Capital Improvement Budget**

*(Please describe and provide a value for any one-time investments you propose to make in the park which exceed \$1,000)*

	<b>Partner</b>	<b>Proposed State Parks Match</b>
Furniture and Fixtures	\$ _____	\$ _____
Inventory (for retail sales)	\$ _____	\$ _____
Physical Improvements	\$ _____	\$ _____
TOTAL Capital Improvements	\$ _____	\$ _____



## Part 6. Core Functions Plan

This portion of your PROPOSAL provides detail on your operations strategy and allows the DEPARTMENT to assess the benefits of your PROPOSAL and whether the strategy will achieve the desired outcome.

There are ten CORE FUNCTIONS in this section. The lists include typical ACTIVITIES that occur in PARKS (though the specific ACTIVITIES vary by PARK unit). **NOT ALL ACTIVITIES NEED TO OCCUR NOR ARE YOU EXPECTED TO PROVIDE ALL OF THESE FUNCTIONS.** If the ACTIVITY will occur, describe whether it will be performed by your organization, a partner organization, the DEPARTMENT, or a combination of these. For any ACTIVITIES you or a partner will perform, describe the qualifications of your organization and the specific individuals who will be involved in performing those ACTIVITIES.

It can't be stressed enough that **EACH PARK IS DIFFERENT AND EVALUATIONS WILL BE PARK SPECIFIC.** It is essential that you contact the DISTRICT SUPERINTENDENT regarding these FUNCTIONS because:

- Operation of the PARK may involve ACTIVITIES not listed.
- There may be essential ACTIVITIES that your PROPOSAL must address.
- There may be key ACTIVITIES that the DEPARTMENT will continue to perform.

The following section of the workbook identifies, by category, the 10 CORE FUNCTIONS of STATE PARK management and operations. Under each CORE FUNCTION is listed the ACTIVITIES involved in that FUNCTION. The CORE FUNCTION categories include:

1. Administration and Management
2. Cultural and NATURAL RESOURCES Management
3. Interpretation and Education
4. Maintenance and Facilities Management
5. Public Safety and Law Enforcement
6. Recreation
7. Planning, Environmental and Regulatory Compliance
8. Public Works and Capital Development
9. Real Property
10. Marketing and Revenue Generation

# Core Functions

## 1. Administration and Management

Provide the support, direction and oversight to coordinate the ACTIVITIES of all the services within the PARK and comply with mandates required by laws, RULES, regulations, policies and procedures.

- a) Sell passes/publications
- b) Provide public information
- c) Use reservation system
- d) Respond to correspondence and complaints
- e) Process permit requests
- f) Manage contracts
- g) Manage purchasing system
- h) Handle cash and bank processes
- i) Report visitor attendance
- j) Manage human resources, including hiring
- k) Manage volunteers
- l) Comply with Generally Accepted Accounting Principles

### **Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Core Functions

### 2. Cultural and Natural Resource Management

Provide stewardship for the significant and irreplaceable NATURAL and CULTURAL RESOURCES contained in the California State Park System.

- a) Protect and manage PARK resources, including special features such as geologic and soil features, flora and fauna (including threatened and endangered species), and archaeological resources
- b) Protect PARK boundaries from encroachments
- c) Balance PARK use with resource impacts
- d) Manage fire ecology (including fire prevention)
- e) Manage historical properties (buildings, sites, landscapes), including museum and archaeological collections and CULTURAL RESOURCES (including formal consultation with Native American and other cultural constituents)

These core programs are essential to the DEPARTMENT'S mission. Accordingly, qualifications of partner organization's staff for undertaking these FUNCTIONS should come as close as possible to meeting the minimum standards for state NATURAL and CULTURAL RESOURCE professionals.

The DEPARTMENT is committed to maintaining oversight over all NATURAL and CULTURAL RESOURCE management and associated regulatory compliance. Please contact the DISTRICT SUPERINTENDENT for more information about how this might affect your PROPOSAL.

#### **Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Core Functions

### 3. Interpretation and Education

Provide a means to inspire an understanding and appreciation of the state's cultural and natural heritage.

- a) Provide information/orientation at visitor centers/museums
- b) Provide/manage outdoor exhibits
- c) Provide opportunities for self-guided interpretation
- d) Provide quality publications and sales items
- e) Provide presented interpretive and educational programs
- f) Provide roving interpretation
- g) Provide public information, such as press releases
- h) Provide school programs

**Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Core Functions

### 4. Maintenance and Facilities Management

PARK facilities are critical in meeting the public's demand for use and enjoyment of the State Park System. Those facilities need to be maintained and managed in order to meet the current needs of the public, protect the economic investment in those facilities, and to ensure these facilities are available for use by future generations of visitors. These activities include maintenance and provisions of:

- a) Housekeeping for all facilities
- b) Grounds
- c) Roads, bridges, culverts and related structures
- d) Marine facilities (if appropriate)
- e) Signs
- f) Electrical, water, fuel, LPG/natural gas, sewage systems
- g) Water and/or wastewater treatment facilities (if applicable)
- h) Trails and footbridges
- i) Telecommunications and IT systems

**And**

- j) Removal of tree hazards by structures, and in campground and picnic areas

PARK resources must be maintained to appropriate legal or Departmental standards.

**Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Core Functions

### 5. Public Safety and Law Enforcement

Provide services to ensure that PARKS are safe, efficient and well maintained.

- a) Enforce the laws and Departmental regulations
- b) Maintain liaison with other agencies
- c) Respond to reports of crimes and property damage
- d) Assist in investigation and prosecution of crimes
- e) Manage and maintain security systems
- f) Patrol PARKS
- g) Respond to medical and other emergencies, including rescues
- h) Investigate accidents

#### **Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Core Functions

### 6. Recreation

Provide high quality outdoor recreation to all visitors of the State Park System. Meeting the public's demand for recreation is essential to any PARK operation.

- a) Manage campground operations
- b) Facilitate and manage SPECIAL EVENTS
- c) Manage day-use facility operations
- d) Coordinate ACTIVITIES with other agencies, such as coastal cleanup events

#### **Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Core Functions

### 7. Planning, Environmental and Regulatory Compliance

Plan and implement review actions and procedures that meet legal requirements for compliance with approved planning documents, environmental laws, and internal and external regulatory mandates and policies required for that specific PARK.

- a) Maintain compliance with General Plan and other approved planning documents
- b) Work with the DEPARTMENT to ensure compliance with applicable environmental laws (e.g. CEQA /NEPA) and with CULTURAL RESOURCE management mandates (e.g. PRC 5024.5/NHPA Section 106, NAGPRA, etc.)
- c) Ensure public health and safety code requirements are met (e.g. State Fire Marshal, Regional Water Quality Board, etc.)
- d) Ensure compliance of public programs with ADA requirements

The DEPARTMENT will continue to serve as lead agency on any environmental review and compliance-related actions and for any ADA requirements for facilities. Please contact the DISTRICT SUPERINTENDENT for more information about how this FUNCTION might affect your PROPOSAL.

#### **Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.



## Core Functions

### 8. Public Works/Capital Development

Generally, public works and capital development will not be performed by partners operating PARKS. If you are proposing any, you must complete this section. If not, you may skip it.

DISTRICTS manage - and/or coordinate with DEPARTMENT'S Acquisition & Development Division for management of - the planning, design, review, approval, and execution of public works construction and capital improvement projects, and to ensure that all such public works projects are in compliance with environmental mandates, design, construction, health and safety, building and accessibility codes, and applicable legal and regulatory contracting requirements.

Note that the DEPARTMENT will review and approve all public works/capital improvements proposed or undertaken by the partner. Any proposed new capital improvements will need to be consistent with the PARK'S General Plan and other applicable RULES, land use and operations plans, and policies. Construction will be subject to applicable RULES, policies, and procedures.

#### **Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

If the PROPOSAL includes capital improvements, provide information on the scope, size, location, funding source and purpose of the improvements in the PROPOSAL. It is recommended that the interested party contact the DISTRICT SUPERINTENDENT for more information on the compatibility of such improvement PROPOSALS with the PARK'S purpose, operational and land use plans.

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Core Functions

### 9. Real Property

Manage the PARK property to ensure the protection of the PARK'S boundaries, resources, and compliance with legal requirements.

- a) Investigate and enforce trespass/encroachment issues
- b) Ensure compliance with easements
- c) Manage leases
- d) Issue and manage Right-of-Entry Permits

**Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Core Functions

### **10. Marketing and Revenue Generation**

Appropriate, mission-based visitor services should be provided in a manner that can generate revenue to assist in funding the operation of PARK units.

- a) Staff, schedule and manage fee collection
- b) Establish fee schedule for the PARK
- c) Establish and collect fees for SPECIAL EVENTS
- d) Seek grants and donations
- e) Comply with intellectual property laws
- f) Manage digital and social media
- g) Comply with STATE PARK Donor and Sponsorship guidelines

Please describe any fees you intend to charge.

**Include in your PROPOSAL:**

What ACTIVITIES will your organization be able to perform? In particular, please list any fees you plan to charge as well as any planned fee changes. (Not all ACTIVITIES need occur.)

What ACTIVITIES will you be requesting assistance from another organization for, and what organization (a partner organization, the DEPARTMENT, a combination)?

For ACTIVITIES to be performed by your organization or a partner, discuss how it will be performed, and describe the qualifications of both the organization and any individuals that will be involved in this performance.

## Definitions

Words and terms used in SMALL CAPS are defined below.

ACTIVITY – tasks essential to the operation of a park. Activities are categorized into various core functions.

CEQA – the California Environmental Quality Act as stated in the public Resources Code §21000 et seq.; title 14 California Code of Regulations §15000 et seq.

CORE FUNCTIONS, FUNCTIONS – a category of essential park operational tasks. A category may host numerous activities identified by the Department as essential to the operation of parks.

CULTURAL RESOURCES – significant human-made objects or improvements.

DEPARTMENT, STATE PARKS, also CALIFORNIA STATE PARKS – the State of California, Department of Parks and Recreation, including all of its subdivisions.

DISTRICT– a geographic subdivision of the state containing units of the State Park System.

DISTRICT SUPERINTENDENT – the person designated by the Department has having responsibility for the district, or their delegate.

EQUIPMENT – refers to portable or movable tools, machinery, vehicles and implements. They can be mechanical, gas or diesel powered or electric. Examples include table saws, lawn mowers, drag behind tillers and blades, vehicles and small hand tools. Items bolted to or secured to buildings, such as air compressors, gasoline pumps, lift stations etc., are considered part of the facility and not equipment by this definition.

NATURAL RESOURCES - includes physical resources such as water, air, soils, topographic features, geologic features, and paleontological resources; physical processes such as weather, precipitation, runoff, erosion, deposition, tidal action and wildfire; biological resources such as native plants, animals, and communities; biological processes such as natural succession and evolution; and associated attributes such as natural sounds, solitude, clear night skies, and scenic vistas.

NEPA – the National Environmental Policy Act of 1969 with amendments, as stated in 42 United States Code 4321 et seq.]. NEPA is a law establishing policies and procedures that require agencies to identify, disclose to decision makers of the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of the agency's proposed project using federal funding sources.

PARK, STATE PARK – any unit of the State Park System, regardless of actual classification.

PARTNERSHIP – refers to any of the methods by which a park scheduled to be closed might remain open; these includes donor agreements, concession agreements and partnership operating agreements.

PARTNERSHIP OPERATING AGREEMENT, OPERATING AGREEMENT – an agreement between the Department and an outside entity whereby the outside entity performs core functions at a particular park.

PROPOSAL –all of the documents in the Proposal Checklist.

RULES – all laws, regulations, Departmental policies, and guidelines established by any planning documents that govern activities in State Parks.

STATE PARKS – see Department.

## Appendix 1 – PRC §5080.42 (AB 42)

PRC §5080.42. (a) Notwithstanding any other provision of this article, the department may enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system, as identified by the director. If the department enters into an operating agreement that involves the operation of the entirety of a park unit, that agreement may be entered into pursuant to this section only to the extent that the agreement would enable the department to avoid closure of a unit or units of the state park system that may otherwise be subject to closure. The department may only enter into an operating agreement that involves the operation of the entirety of a park unit for no more than 20 park units. An operating agreement with a qualified nonprofit organization shall include, but shall not be limited to, the following conditions:

- (1) The district superintendent for the department shall provide liaison with the department, the nonprofit organization, and the public.
- (2) The nonprofit organization shall annually submit a written report to the department regarding its operating activities during the prior year and shall make copies of the report available to the public upon request. The report shall be available on the Internet Web sites of both the department and the nonprofit organization. The report shall include a full accounting of all revenues and expenditures for each unit of the state park system that the nonprofit organization operates pursuant to an operating agreement.
- (3) All revenues received from a unit shall be expended only for the care, maintenance, operation, administration, improvement, or development of the unit. The qualified nonprofit organization may additionally contribute in-kind services and funds raised from outside entities for the care, maintenance, operation, administration, improvement, or development of the unit.
- (4) No General Fund moneys shall be provided to a nonprofit organization to subsidize the operation or maintenance of a park unit. This paragraph applies to state parks, the full operation of which are turned over to a nonprofit organization, but does not apply to or preclude the department from entering into agreements with nonprofit organizations to operate a portion of a state park unit, or from entering into comanagement agreements with nonprofit organizations that involve the sharing of operational and financial responsibilities for the park unit and that have the effect of reducing state costs. This paragraph does not apply to park entrance fees, concession revenues, or any other revenues generated within a park operated by a nonprofit organization pursuant to this section.

(b) An operating agreement entered into pursuant to subdivision

(a) shall honor the existing term of a current concession contract for the state park unit subject to the operating agreement.

(c) An operating agreement entered into pursuant to subdivision

(a) shall specify the duties that the nonprofit organization shall be responsible for carrying out relative to management and protection of natural, historical, and cultural resources, and shall identify those management duties that shall continue to be conducted by the department, so that all core operations of the park are delineated. Scientific, architectural, and engineering functions that require special expertise or professional training shall only be conducted by or under the supervision of qualified persons with applicable expertise or training and subject to oversight by the department.

(d) This section does not supersede the requirements of Section 5019.53 regarding the protection of natural, scenic, cultural, and ecological values.

(e) The nonprofit organization and the district superintendent for the department shall, following submittal of the annual report pursuant to subdivision (a), hold a joint public meeting for discussion of the report.

(f) If the department intends to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or a portion of a unit, the department shall notify the Member of the Legislature in whose district the unit is located, the Chair of the Senate Committee on Natural Resources and Water, the Chair of the Assembly Committee on Water, Parks and Wildlife, and the chairs of the

Assembly and Senate budget committees of that intention. The notification shall include estimated operating costs and revenues and core duties and responsibilities that are likely to be assigned to the nonprofit organization and the department.

(g) For purposes of this section, a qualified nonprofit organization is an organization that is all of the following:

(1) An organization that is exempt from taxation pursuant to Section 501 (c)(3) of the Internal Revenue Code.

(2) An organization that has as its principal purpose and activity to provide visitor services in state parks, facilitate public access to park resources, improve park facilities, provide interpretive and educational services, or provide direct protection or stewardship of natural, cultural, or historical lands, or resources.

(3) An organization that is in compliance with the Supervision of Trustees and Fundraisers for Charitable Purposes Act, Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

(h) (1) Notwithstanding Section 10231.5 of the Government Code, the department shall provide a report to the Legislature, on a biennial basis, of the status of operating agreements it has entered into pursuant to this section. The report shall include a list of units of the state park system with operating agreements, discussion of the management and operations of each unit subject to an operating agreement, an accounting of the revenues and expenditures incurred under each operating agreement, and an assessment of the benefit to the state from operating agreements entered into pursuant to this section.

(2) A report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.