

Skatepark Ad Hoc Committee Report

During the CCSD Board of Directors Meeting of January 13, 2022, many concerns were raised by members of the Board and public, and it was determined that these concerns needed to be addressed prior to moving forward with the first phase of the skatepark project. Among the issues brought forward were private/public funding partnerships, legal agreements/obligations, expectations for each stage of the project, who would be responsible for decisions regarding the design and contractors, as well as the responsibilities for the operation and maintenance of the skatepark once completed, and the legal issues that may be involved with this project.

The previously formed Board Skatepark Ad Hoc Committee, consisting of Vice President Dean and Director Farmer, was assigned the task of meeting with District Counsel and SkateCambria to discuss these concerns and bring a report back for discussion and consideration by the full Board, and consideration of how to move forward with the next steps regarding the skatepark project.

Directors Dean and Farmer met with District Counsels Tim Carmel and David Hirsch via Zoom on Thursday, January 27, 2022. General Manager Weigold sat in on both this meeting and our meeting the following day.

We discussed the possibility of partnering with the Cambria Community Council to facilitate the transfer of SkateCambria funds to the CCSD for the project, since the Cambria Community Council is already a 501c(3) entity, and that it would be the least complicated path. In case the Cambria Community Council would not want to take on that responsibility, we talked about what would need to be involved with entering into a public/private funding partnership with SkateCambria.

In order for the District to enter into a partnership with SkateCambria, SkateCambria would need to incorporate and become a legal entity with 501c(3) status, and if the partnership were to go beyond funding, for example into operation/management of the skatepark by SkateCambria, further agreements would need to be negotiated and SkateCambria would need to provide insurance and indemnify the District against liability. It was unknown at this point if they

would be willing to incorporate and become a nonprofit entity, or what their expectations of involvement beyond fundraising were.

It was discussed that the Board would like SkateCambria to provide funding towards the first phase of the project, which involves preparing project plans and beginning the permit process with the County: permit application, rezoning, County requirements and negotiating possible variances, design, engineering, environmental review and required studies, and establishment of the expected total cost of construction; basically bringing the project to the point of seeking bids for construction. District Counsel stressed that before beginning the next phase of the project, which would include putting the project out for bid, awarding a contract and beginning construction, the District needs to require that all funds needed to complete the skatepark project be provided to the District prior to the construction phase commencing.

Mr Hirsch brought up several examples of municipal/private partnerships involving skateparks, including one currently underway in Carpinteria, and how those partnerships were being handled. The project in Carpinteria is similar to what Cambria is negotiating with SkateCambria in that it is a municipal project developed with privately raised funds.

We met again via Zoom on Friday January 28, 2022, and this meeting included the Cambria Community Council President Dick Clark, and Juli Amodei of SkateCambria. The purpose of this meeting was a discussion on funding, responsibilities, and obligations between SkateCambria, the Community Council, and the CCSD.

Mr Clark explained that the Cambria Community Council was working with Juli Amodei and SkateCambria with holding the funds raised for the skatepark project, and Ms Amodei indicated that she and the Cambria Community Council treasurer were meeting on a regular basis to document and account for all donations. We discussed the District's concerns about the need for an agreement regarding the transfer of funds between SkateCambria and the CCSD, and that the District could not enter into a formal legal partnership agreement with SkateCambria unless they incorporate and become a nonprofit 501c(3) entity. Ms Amodei explained that she had been involved in creating and managing a 501c(3) in the past, and was not interested in SkateCambria incorporating and becoming a 501c(3) entity.

Mr Clark stated that the Cambria Community Council was willing to enter into an agreement with the CCSD for the purpose of handling the transfer of the funds raised by SkateCambria.

We discussed the role of SkateCambria in this project and their expectation of involvement as it moves forward. Ms Amodei stated that she considered this a CCSD project, and that SkateCambria's involvement was strictly their strong commitment to raising the funds needed to build the skatepark. They had no desire to operate or manage the completed skatepark, acknowledged that all decisions being made were to be by the District, but that they would like to continue to have an informal relationship with the ability to provide input on the design and operation of the park.

Mr Carmel stressed that the District could not commit to moving forward without an agreement and funds in hand to complete each phase of the project. We discussed the Board's concerns that there needs to be financial involvement by SkateCambria with funds transferred to the District before moving forward, and that the preference would be that SkateCambria contribute the funds necessary for the permitting and design phases. Ms Amodei felt that since this was CCSD property, and the first phase involved the investigations of the land itself, that the initial \$59k should come from the CCSD's commitment of the \$178k, and the second \$59k from SkateCambria. We related that the first phase involved things specific to the skatepark project beyond just the studies of the land itself, and that there needs to be funds from SkateCambria involved as well, and while it was not the preferred choice by SkateCambria, the need for at least matching one to one cost sharing for the design and permitting phases was understood.

It was again stressed that funds for each segment of the project need to be in the District's hands before moving forward with each phase. Ms Amodei emphasized that SkateCambria is highly motivated and confident they will raise the funds needed to complete the project.

After Ms Amodei and Mr Clark exited the meeting, the Ad Hoc and District Counsels wrapped up the meeting by reviewing the results of our discussions. Mr Hirsch felt an MOU (Memorandum of Understanding) with the Cambria Community Council should be sufficient to address the funding issue in order to move forward, and simplifies that situation. At a later date, the District will also

need to sort out any potential legal liabilities regarding the creation and operation of a municipal skatepark to understand and minimize any risk exposure to the District. We can use other community skateparks as examples, and also confer with the SDRMA (Special District Risk Management Authority), since they provide risk management services to the District. State of California Health and Safety Code Section 115800 also addresses liabilities regarding skateparks owned and operated by municipalities.

Mr Carmel again emphasized shared funding responsibilities and the need for having the funds in hand to complete each phase.

We bring this report to the full Board for discussion and consideration of the Ad Hoc committee's recommendation that the Board consider directing District Counsel to prepare an MOU with the Cambria Community Council for the purpose of the administration and transfer of funds between SkateCambria and the CCSD, that they also consider a 50/50 cost share for the first phases going forward, which includes the detailed project design and County permit application and other processes up to the point of being ready to go out to bid, and that all funds needed to build the project be in the District's hands before the final phase, consisting of the bidding process and construction proceeds.

Respectfully submitted,
CCSD Directors Karen Dean and Harry Farmer