



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** General Services and  
Community Services  
**Department No.:** 063  
**For Agenda Of:** April 20, 2021  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** General Services Janette D. Pell, Director (805) 560-1011  
Contact Info: Skip Grey, Assistant Director (805) 568-3083

Community Services George Chapjian, Director (805) 568-2467  
Contact Info: Jeff Lindgren, Parks Operations Manager (805) 686-5076

**SUBJECT:** License Agreement for Explore Ecology at South Coast Watershed Resource Center;  
Second District (R/P File No.: 003586)

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Manager

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Determine, in accordance with California Government Code Section 26227, that Explore Ecology, a California non-profit corporation, operates a riparian, wetlands and marine ecology educational program that serves public purposes by raising awareness of the origins and causes of watershed pollution and habitat degradation and that its use of a portion of the South Coast Watershed Resource Center (SCWRC) building at Arroyo Burro County Park located at 2981 ½ Cliff Drive, Santa Barbara, CA 93109, a portion of County Assessor Parcel No. 047-092-013, for a term of up to five (5) years will not interfere with the County's use of the facility; and
- b) Approve and authorize the Chair to execute the License Agreement with Explore Ecology for the use and management of the approximately 1,470 square foot SCWRC at 2981 ½ Cliff Drive, Santa Barbara, CA 93109, a portion of County Assessor Parcel No. 047-092-013, for a term of five (5) years plus one option to extend for a period of one (1) additional year; and
- c) Authorize the General Services Director, or designee, to approve a one-year extension of the initial five-year term as set forth more fully in Section 7 of the License Agreement; and

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- d) Determine that the recommended actions are exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15301, Existing Facilities, and Section 15323, Normal Operation of Facilities for Public Gatherings, and direct staff to file a Notice of Exemption on that basis.

**Summary Text:**

This item is on the agenda for the Board to approve a License Agreement (Attachment 1) with Explore Ecology (“Licensee”) to facilitate the management and use of the SCWRC at Arroyo Burro Beach County Park, and continued education and enhanced public awareness of the origins and causes of watershed pollution and habitat degradation by providing an education program in riparian, wetlands and marine ecology for the general public.

**Background:**

California Government Code Section 26227 authorizes the Board to make County real property available for social programs that the Board determines will serve a public purpose. Such leases and licenses may be made “upon terms and conditions determined by the Board to be in the best interest of the County and the general public.”

Pursuant to this code, and pursuant to Public Resources Code Section 31116(c), an “Agreement Protecting the Public Interest in Certain Improvements and Development,” between the State Coastal Conservancy, the County, and the Community Environmental Council (hereinafter “CEC”), was recorded on February 2, 2000 as Instrument No. 2000-0006577 of Official Records in the Office of the Clerk Recorder, County of Santa Barbara, to comply with Grant Agreement No. 99-057 between the State Coastal Conservancy and the CEC which was recorded on December 1, 1999. This Grant Agreement authorized \$450,000 in Coastal Conservancy grant funding to the CEC under for the construction and initial start-up operation of the SCWRC. The Grant Agreement was amended on February 13, 2001 increasing the grant amount to \$517,500 and extending the term to December 31, 2021.

Per the recorded restriction, the County was obligated to provide this License to CEC or its successor, for the duration of the Agreement Protecting the Public Interest which was to remain in effect for no less than 20 years, until January 25, 2020.

On May 20, 2009, the State Coastal Conservancy approved an assignment of the responsibilities and obligations under the Grant Agreement and Agreement Protecting the Public Interest, from CEC to Art From Scrap, an independent 501(c)(3) tax-exempt organization. On March 26, 2012, Art From Scrap filed with the Office of the Secretary of State of the State of California a Certificate of Amendment of Articles of Incorporation thereby changing its name from Art from Scrap to Explore Ecology. Explore Ecology continues to be recognized as a 501(c)(3) tax-exempt organization.

The County established Licensee’s presence (under the prior business name of Art From Scrap) at the SCWRC in 2009 through its Public Works Department/Project Clean Water program which provides an annual services contract to Licensee for their continued water quality education programs at the SCWRC. The total estimated annual value of Licensee’s services to the public through its services under its Project Clean Water services contract with the County Public Works Department is \$75,900.88.

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On July 1, 2009, the County entered into a Lease and Service Agreement with Explore Ecology for management and maintenance of the SCWRC. The Agreement was revised and extended July 1, 2010, again on July 1, 2015, and subsequently expired on June 30, 2020. Licensee remains in a month-to-month holdover tenancy.

Although the County's obligations under the Agreement to Protect the Public Interest appears to have ended January 25, 2020 (although the Grant Agreement remains in effect until December 31, 2021), the County Community Services Department/Parks Division desires to allow Licensee to continue serving the community at the SCWRC, through the proposed License Agreement for a new five (5) year term plus one (1) option to extend for one (1) year.

Licensee continues to serve the community and enhance public awareness of the origins and causes of watershed pollution and habitat degradation through educational programs in riparian, wetlands and marine ecology, through an annually renewed services contract with County Public Works Department/Project Clean Water under Purchase Order #CN23661. Licensee has the expertise to continue overseeing this social program to meet the social needs of the population of the county, including but not limited to, the areas of education, thereby ensuring the highest and best use of the SCWRC. In accordance with Government Code Section 26227 and the Board's determination that the operations of Licensee are a benefit to the community and in consideration of Licensee's maintenance and management of the Premises and performance of its educational Program, base rent shall be waived during the Term and Extension Period. Thus, other than the payment by Licensee of utilities and other maintenance and repairs stated in the License Agreement, the Premises are being provided to Licensee rent-free. Licensee's continued management and maintenance responsibilities under the new License Agreement aids in defraying the County's cost of building maintenance.

Licensee shall have the exclusive use of the Premises every Monday through Friday from 8:00 a.m. to 3:00 p.m. for school field trips and its educational programs, and every second Sunday of each month from 8:00 a.m. to 3:00 p.m. at which time the Premises shall be open to the public for Licensee's educational programs.

Licensee shall also have the nonexclusive right to use the Premises at other times, provided such use does not conflict with special events scheduled and managed by County Parks Division, which reserves the right to use the Property and may, at its option, have exclusive use of the Property and Premises for special and public events. County Parks Division and Licensee shall cooperate to ensure those special events do not interfere with Licensee's operations. Further, County Parks Division shall make reasonable efforts to arrange for Licensee to view the online schedule for such special events as scheduled and managed by County Parks.

Lastly, this project is exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15323. The proposed action will not involve any expansion of use or have a significant environmental impact and is therefore exempt under CEQA Section 15301 - Class 1, which provides an exemption for the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The proposed action is also consistent with SCWRC's historical use as a public gathering location and public education center, and is therefore exempt under CEQA Section 15323, which provides an exemption for "normal operations of existing facilities for public gatherings for

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which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose.” Therefore, a Notice of Exemption has been prepared and is attached hereto as Attachment 2.

**Fiscal and Facilities Impacts:**

The Board’s execution of the License Agreement will have no direct fiscal or facilities impacts. Licensee requires no capital improvements to the building or grounds for its use.

**Key Contract Risks:**

There is little, if any, risk to the County by entering into the License Agreement. If the Board finds Licensee is no longer in compliance with applicable Government Codes, the County may charge Licensee fair market rent. The County may also terminate the License Agreement upon ninety (90) days written notice for any reason or no reason.

**Staffing Impacts:** none

**Special Instructions:**

After Board action, please distribute as follows:

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|--------------------------------|---|
| 1. Original License Agreement  | Clerk of the Board Files                    |
| 2. Duplicate License Agreement | Real Estate Services, Attn: Shauna Dragomir |
| 3. Copy of Minute Order        | Real Estate Services, Attn: Shauna Dragomir |

**Attachments:**

1. Original and Duplicate License Agreement
2. CEQA Notice of Exemption

**Authored by:**

Shauna Dragomir, Real Property Agent III, General Services