

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:

Parks

Department No.:

052

For Agenda Of:

March 2, 2010

Placement:

Administrative

Estimated Tme:

Continued Item:

No

If Yes, date from:

Vote Required:

Majority

TO:

Board of Supervisors

FROM:

Department

Daniel C. Hernandez (568-2461)

Director

Contact Info:

Nicole Koon, Business Manager (568-2477)

SUBJECT:

Approval of the Cachuma Boat Rentals Bill of Sale and Authorization to Release

Requests for Proposals (RFP) for the Operation of Cachuma Boat Rentals and

Grill

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

As to form: Yes

Other Concurrence: Real Property

As to form: Yes

Other Concurrence: Risk Management

Recommended Action:

That the Board of Supervisors:

- A. Approve and execute the attached original and duplicate original Cachuma Boat Rentals, Inc. Bill of Sale, Inventory of Assets & Release Agreement with the Cachuma Boat Rentals, Inc. to sell, assign, transfer, convey and deliver to the County all that certain person property (inventory of assets) known as a floating boat dock and boat concession business now found residing on a portion of Cachuma Recreational Area, in consideration of the sum of \$175,000, and both parties mutually release the other from all claims:
- B. Authorize release of Request for Proposals (RFP) to operate a boat rental concession, tackle shop and grill/snack bar at the Cachuma Recreation Area;
- C. Find the Request for Proposal issuance exempt from the California Environmental Act (CEQA) review under the CEQA Guidelines Section 15301, which exempts the leasing and operation of existing facilities:
- D. Approve the Notice Exemption from the California Environmental Act (CEQA).

Page 2 of 3

Subject: Approval of the Cachuma Boat Rentals Bill of Sale and Authorization to Release Requests for Proposals (RFP) for the Operation of Cachuma Boat Rentals and Grill

Summary Text:

California Government Code (Sections 25520-25539.10) permits counties to enter into concession lease agreements for real property belonging to counties. In addition, the Santa Barbara County Parks Department's Marketing Program, which was approved by the Board of Supervisors in July 1995 (Resolution No. 95-355; Chapter 26, Article VI-A, of the Santa Barbara County Code) includes concession agreements as one of the major revenue generating opportunities for the Department to help sustain its operations.

In June 2006, the Board of Supervisors approved a Concession Solicitation and Selection Policy for the Parks Department. This policy establishes guidelines and procedures for openly soliciting and selecting private operators to provide concession services at County parks through a Request for Proposals (RFP) process.

The concession agreement currently available is: The operation of boat rentals and snack bar/grill at Cachuma Lake. It is recommended that the Board authorize release of an RFP for the concession agreement at this time. The RFP will be advertised in several different newspaper publications in the tricounty and Los Angeles regions as well as submitted to those parties who have expressed previous interest. Proposals will be received by the end of February.

Proposals will then be reviewed, evaluated, and rated by a proposal review team. Criteria for evaluation and rating, as included in the concession bid policy and the RFP documents, will include business experience, financial history, proposed business plan, proposed operating payments to the County, proposed capital improvements, etc. Staff will then return to the Board for approval of proposed RFP concession agreement with the selected vendor, a proposed resolution to the future lease of the concession, and any additional staff recommendations.

Background:

In June 2006, the Board of Supervisors approved a Concession Solicitation and Selection Policy for the Parks Department. This policy establishes formal guidelines and procedures for openly soliciting and selecting private operators for concession services in County parks through a Request for Proposals (RFP) process. The guidelines contained in the policy provide a useful, clear, and understandable process for the Parks Department, prospective concessionaires, and the Board to follow in the solicitation and selection of concessions for County parks. This policy also provides a level playing field for those interested in bidding for concession services. The RFP process provides some distinct advantages to both the County and its potential business partners by: (1) providing a fair and objective method for soliciting and awarding contracts for concession services in County parks; (2) providing greater financial benefits to the County and its taxpayers by utilizing a more competitive approach in awarding concession contracts; and (3) providing additional or improved amenities and services for park users as part of new concession agreements.

Cachuma Boat Rentals Incorporated (CBRI) previously occupied space and provided services under a Board-approved concession agreement dated December 19, 1988. The concession agreement obligated CBRI to provide public services including operation of a floating boat dock, boat rental services, bait and tackle shop, and a snack bar-type restaurant facility. That agreement expired in January, 2005, and CBRI has been on a month-to-month holdover basis until the Board of Supervisors gave authority to terminate the lease at the December 8, 2009 Board hearing. Subsequent to that action, a letter of termination with a 60 day notice was issued on December 17, 2009 to Cachuma Boat Rentals

Page 3 of 3

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Incorporated. Public recreation services at Lake Cachuma will be impacted until the new concession operating agreement is approved.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

Funding Sources	Curi	ent FY Cost:	Annualized On-going Cost:	al One-Time oject Cost
General Fund	\$	175,000.00		\$ 175,000.00
State				
Federal				
Fees				
Other:				
Total	\$	175,000.00	\$ -	\$ 175,000.00

Narrative: In FY 2008-09, \$36,742 in fee revenue was received from the former concession operator. It is anticipated that, as a result of this RFP process, fee revenues will increase in future years from this concession. However, it is unknown at this time how much additional revenue will be realized until after the RFP process has been completed.

Staffing Impacts:

<u>Legal</u>	<u>Positions:</u>	FTEs:
	N/A	N/A

Special Instructions:

- (1) Clerk of the Board to provide a copy of the stamped minute order to the Parks Department/Administration, Attn: Nicole Koon.
- (2) Request the Clerk of the Board to post the Notice of Exemption for the Request for Proposal to comply with the CEQA guidelines.

Attachments:

Attachment 1 – original and duplicate original Cachuma Boat Rentals, Inc. Bill of Sale (*including: Inventory of Assets & Release Agreement with the Cachuma Boat Rentals, Inc.*)

Attachment 2 - Request for Proposal for Concession Agreement to Operate Marina Snack Bar/Grill

Attachment 3 – CEQA Notice of Exemption

Authored by:

Jeff Stone, Deputy Park Director

Project:

Cachuma Boat Rentals, Inc.

Folio:

001101

APN:

145-160-72 (Portion)

Agent:

rc

CACHUMA BOAT RENTALS, INC BILL OF SALE, INVENTORY OF ASSETS & RELEASE AGREEMENT

THIS BILL OF SALE for Cachuma Boat Rentals, Inc. inventory of assets and RELEASE AGREEMENT for termination of the existing facility lease is made between

the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and "RELEASEE;"

and

CACHUMA BOAT RENTALS, INC. a California Corporation, hereinafter referred to as "CONCESSIONER" and "RELEASOR"

with reference to the following:

WHEREAS, the Cachuma Recreational Area is the property of the United States Government and is being leased and operated by the COUNTY under an "Agreement to Administer the Reclamation Area" Contract No. 14-06-200-600, dated January 12, 1953, which, by its terms, expired January 11, 2003; and

WHEREAS, COUNTY is currently holding over on a year-to year basis, under the terms and conditions of that Agreement, until such time as a new agreement can be negotiated and executed; and

WHEREAS, COUNTY entered into a Concession Agreement with CONCESSIONER on December 19, 1988, subsequently amended October 9, 1990, December 17, 1991, and September 22, 1998; to provide and operate public services, including, but no limited to, a floating boat dock and boat rental business on a portion of the Cachuma Recreational Area; and

WHEREAS, COUNTY has given CONCESSIONER notice of termination and CONCERSSIONER agrees to sell, transfer, convey, and deliver to COUNTY all that certain personal property known as the boat rental business which operated on a portion of Cachuma Recreational Area.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CONCESSIONER for and in consideration of the sum of ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$175,000.00) hereby sells, assigns, transfers, conveys, and delivers to COUNTY, all that certain personal property (inventory of assets) described in Exhibit "A" hereto and incorporated herein by reference, and further grants all the right, title and interest that CONCESSIONER has in and to all that certain personal property now found residing on a portion of Cachuma Recreational Area. And CONCESSIONER herby covenants with COUNTY that CONCESSIONER is the lawful owner of said person property; that they are free from all liens of indebtedness and encumbrances, including mechanics liens; that they have good right to sell the said personal property; and that they will warrant and defend the title of the same against the lawful claims and demands made by persons, companies, and corporations whatsoever.

COUNTY hereby accepts the personal property in its AS IS, WITH ALL FAULTS condition, and COUNTY acknowledges that CONCESSIONER makes no warranty or representation of any kind whatsoever, expressed or implied. CONCESSIONER asserts and COUNTY acknowledges that the personal property is free of all liens and encumbrances, and that CONCESSIONER holds the right to sell, and does hereby sell, said personal property fully discharged of all liens, debts, obligations, and personal liabilities of CONCESSIONER.

MUTUAL RELEASE

By exchange of the consideration herein specified the parties hereto, COUNTY and CONCESSIONER, do hereby mutually release the other party and all related persons from any further obligations or claims arising from this transaction, related acts or the former lease of real property and business franchise agreement between the parties.

CACHUMA BOAT RENTALS, INC (RELEASOR)., on its own behalf and on behalf of all other persons or parties, for the benefit of the COUNTY and officers, employees and assigns (RELEASEE), fully and finally waives, releases, acquits, discharges, and extinguishes all CLAIMS, as defined below.

Subject only to the exceptions expressly stated in the next paragraph, CLAIMS means all past, present, and future claims, demands, complaints, grievances, charges, suits, appeals, actions, causes of action, liabilities, costs, expenses, liens, attorney's fees, lawsuits, administrative claims and charges, proceedings of every kind and nature, and assertions of right, whether known or unknown, foreseen or unforeseen, actual or potential, based wholly or in part on conduct, act or omission by the COUNTY or any other RELEASEE, including any injury or damage which CACHUMA BOAT RENTALS, INC., the RELEASORS or any of them sustained, or may have sustained, past or present, or will sustain in the future including, but not limited to, claims and prayers seeking special or general damages, or any other compensation, reimbursement, relief, or legal or equitable remedy of any sort, in any forum,

for any physical or emotional pain, suffering, distress, impairment, disability, disfigurement, or other bodily injury, any loss of salary, benefit, income, profit, or other economic advantage, any cost, expense, debt, charge, fee (including attorney's fee), or other economic detriment, or any other injury, damage, detriment, or loss of benefit to person or property, based upon any memorandum of understanding, contract, promise, debt, or liability, any provision of the California Fair Employment and Housing Act, the California Labor Code, the County Employees Retirement Law of 1937, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1871, the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1967, the Equal Pay Act, the Fair Labor Standards Act, the Santa Barbara County Civil Service Rules, or any other law, statute, ordinance, code, rule, regulation, resolution, policy, ruling, decision, or legal authority.

CACHUMA BOAT RENTALS, INC has read Civil Code section 1542, which provides as follows:



1542. General Release—Claims Extinguished. A general release does not extend to claims which the creditor does not know or suspect to exist in her or her favor at the time of executing the release, which if known by him or her must have materially affected her or her settlement with the debtor.

Having read Civil Code section 1542, CACHUMA BOAT RENTALS, INC expressly waives any rights it/he/she may have under that section, or under any common law or similar law of any state, territory, or jurisdiction of the United States. CACHUMA BOAT RENTALS, INC understands that this waiver bars him/her/it, and all RELEASORS, from making or maintaining any CLAIM against the COUNTY or any RELEASEE, whether or not she does or could know, understand, foresee, or suspect the existence or the significance of the CLAIM, or of the injuries, damages, rights, remedies, authorities, or other grounds upon which the CLAIM might be based, even if the CLAIM or the grounds upon which it might be based do not yet exist.

RELEASORS hereby waive application of section 1542 of the California Civil Code by signing his/her initials here:

THE PARTIES TO THIS AGREEMENT DECLARE THAT THEY HAVE CAREFULLY READ THIS AGREEMENT, THAT THEY HAVE RECEIVED EXPLANATIONS AND ADVICE OF THEIR COUNSEL NECESSARY TO FULLY UNDERSTAND THIS AGREEMENT, AND THAT THEY EXECUTE THIS AGREEMENT WITHOUT IMPROPER PRESSURE OR UNDUE INFLUENCE AND AFTER MATURE DELIBERATION.

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IN WITNESS WHEREOF, COUNTY and CONCESSIONER have executed this Bill of Sale by the respective authorized officers as set forth below.

AGREED:	"CONCESSIONER" CACHUMA BOAT RENTALS, INC By:
	Craig Lingham, President
	By: Thomas L. Lingham, Secretary
	"COUNTY"
	COUNTY OF SANTA BARBARA
ATTEST: MICHAEL F. BROWN CLERK OF THE BOARD	By: Chair, Board of Supervisors
By: Deputy	Date:
APPROVED:	
Daniel C. Hernandez Director of Parks	
APPROVED AS TO FORM: DENNIS MARSHALL	APPROVED AS TO FORM:
COUNTY COUNSEL	ROBERT W. GEIS, C.P.A. AUDITOR-CONTROLLER
By: Mexin E. Ready, Sr.	By:

APPROVED: By:	APPROVED: By: Ray Aromatorio, ARM, AIC Risk Program Administrator
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Senior Deputy County Counsel

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Exhibit "A" Inventory of Assets

Attached hereafter

. Tackle shop

Wood frame-size 12t/ X 45tl.
Contents---Inventory for sale

cash register

Included in the tackle shop is a refrigerated room for bait, a rental boat and boat mooring system and the electric controls for the gas dispensers.

2. Snack Bar--permitted to operate by county health dept. *

Wood frame—size 12ft. X 24ft

Equipment

Gas grill, 3 refrigerators, 3 freezers, cash register, various cooking tools, and a beer & wine off sale permit.

* Needs a new approved sink, new floor under ice machine, and an a new ansul system.

3. Miscellaneous storage bldgs and employee restroom

Restroom bldg. for employees

120 sq. ft.

Prefabricated storage building

Storeroom 15ft X 8ft.

4. Rental Boats:

35 Gregor 14 foot boats (4 passengers)
21 Gregor 17 foot boats (6 passenger)
10 Gregor patio Boats of various sizes

Miscellaneous boats:
Work boat pump boat
Work boat/generator boat

5. Motors

5 years old. 2003. The motors on the patio boats are of various age. Some brand new and other up to All Motors are Mercury motors. The chorse power and the 9.9 horse power were purchased in

All motors are 4 cycle which are less polluting.

37 A6 each 6 hp Mercury motors for rental hoats 8-each 9.9 Mercury motors for rental boats 10 patio boat motors @ 25 horse power Sales tax on the above motors would be.

6. Docks

All docks are wood frame (2 X 12) with Styrofoam flotation.

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"B" dock used for mooring customers. This dock has 28 slips and can be used for larger boats.	:A" dock used for mooring customers. This dock has 48 rental slips.	The wash/maintenance which includes a hydraulic lift for lifting boats to wash and a sump and pump which deliver the waste water to the county sewer system.	The gas dock for gas deliver is approximately	The main dock for rental boat usage is approximately Gang plank for this dock 5' X 45'
3,144 sq. ft.	4,284 sq. ft.	810 sq. ft.	360 sq. ft.	5820 sq. ft. 225 sq. ft.

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There are currently 30 mooring customers paying on a yearly rate of \$1400/year...

Gasoline storage and dispensing system

The gas system consists of two 1,000 gallon above ground storage tanks. They are located in a sealed cement container, which was required by various agencies to hold 150% of the tanks capacities. One tank is divided into 2 each 500 gallon chambers. There are two above ground gas lines feeding the gas dock. The dock is wood frame and with fire retardant decking. There are two dispensers that need replacing. The system is controlled in the tackle shop. The system includes, tank pumps and pressure reducers with numerous shut off valves in the lines.

. Miscellaneous equipment

Welder for boat repairs
Power tools-Miscellaneous
Various specialty tools to diagnose and repair Mercury motors.
Viscellaneous mercury parts for motor repairs
Miscellaneous mercury parts for motor repairs
Life jackets and cushions for all boats including storage boxes or racks for each.
3 boat trailers for patio boats
1 flatbed trailer for moving smaller rental boats.
Misc dock lumber, cable, buoys, styrofoam, dock anchors

- 1, Tackle shop
- 2. Snack Bar
- , Miscellaneous bldgs. & restroom.
- Rental Boats
- Motors
- Docks.
- . Gas system
- Miscellaneous Equipment

EXHIDIT

Project:

Cachuma Boat Rentals, Inc.

Folio:

001101

APN:

145-160-72 (Portion)

Agent:

rc

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for any physical or emotional pain, suffering, distress, impairment, disability, disfigurement, or other bodily injury, any loss of salary, benefit, income, profit, or other economic advantage, any cost, expense, debt, charge, fee (including attorney's fee), or other economic detriment, or any other injury, damage, detriment, or loss of benefit to person or property, based upon any memorandum of understanding, contract, promise, debt, or liability, any provision of the California Fair Employment and Housing Act, the California Labor Code, the County Employees Retirement Law of 1937, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1871, the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1967, the Equal Pay Act, the Fair Labor Standards Act, the Santa Barbara County Civil Service Rules, or any other law, statute, ordinance, code, rule, regulation, resolution, policy, ruling, decision, or legal authority.

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	By: Craig Lingham, President
	By:Thomas L. Lingham, Secretary
	"COUNTY" COUNTY OF SANTA BARBARA
ATTEST: MICHAEL F. BROWN CLERK OF THE BOARD	By: Chair, Board of Supervisors
By: Deputy	Date:
APPROVED:	
Daniel C. Hernandez Director of Parks	
APPROVED AS TO FORM: DENNIS MARSHALL COUNTY COUNSEL	APPROVED AS TO FORM: ROBERT W. GEIS, C.P.A. AUDITOR-CONTROLLER
By: M. A. C. M. Sr. Kevin E. Ready, Sr.	By: CSINE

APPROVED: By: Manager Ronn Carlentine Real Property Manager	APPROVED: By: Ray Aromatorio, ARM, AIC Risk Program Administrator
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Senior Deputy County Counsel

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Exhibit "A" Inventory of Assets

Attached hereafter

Tackle shop

Contents—Inventory for sale Wood frame-size 12fV × 45ft.

cash register

system and the electric controls for the gas dispensers. Included in the tackle shop is a refrigerated room for bait, a rental boat and boat mooring

Snack Bar--permitted to operate by county health dept. *

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EXHIO

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1 flatbed trailer for moving smaller rental boats.
Misc dock lumber, cable, buoys, styrofoam, dock anchors

- , Tackle shop
- . Snack Bar
- , Miscellaneous bldgs. & restroom.
- Rental Boats
- Motors
- 6. Docks.
- Gas system
- Miscellaneous Equipment

COUNTY OF SANTA BARBARA PARKS DEPARTMENT 610 MISSION CANYON ROAD SANTA BARBARA, CALIFORNIA 93105

REQUEST FOR PROPOSALS

Notice is hereby given that proposals are being requested to operate a MARINA AND SNACK BAR/GRILL AT CACHUMA LAKE RECREATION AREA, 2225 HWY 154, SANTA BARBARA, CA 93105 per attached specifications. Proposals will be received in the Parks Department's Administrative Office, located at 610 Mission Canyon Road, Santa Barbara, California, until 3:00 p.m., April 2, 2010, at this date and time all proposals will be publicly opened in the Parks Department's Administrative Office. Only the names of the Proposers will be read aloud. If further information is needed, please contact Sonia Thompson, at (805) 568-2467.

A PRE-PROPOSAL MEETING WILL BE HELD ON MONDAY MARCH 19, 2010 AT 10AM AT CACHUMA LAKE TO ADDRESS AND ANSWER QUESTIONS FROM PERSPECTIVE PROPOSERS.

MAILED proposals should be addressed as follows:

"Proposal to Operate a Marina and Snack Bar at Cachuma Lake Recreation Area"

Santa Barbara County Parks Department. Administrative Office 610 Mission Canyon Road Santa Barbara, CA 93105 Attn: Sonia Thompson

It is the responsibility of the Proposer to see that any proposals submitted shall have sufficient time to be received by the Parks Department prior to the proposal opening time. Late proposals will be returned to the Proposer unopened.

The receiving time in the Parks Department will be the governing time for acceptability of proposals. Proposals will not be accepted by telephone, facsimile, or e-mail. **ALL PROPOSALS** must bear original signatures and figures.

Jeffrey Stone
Deputy Director
Santa Barbara County Parks Department

A. INTRODUCTION

The County of Santa Barbara/Parks Department is seeking a corporation, business, or individual to operate a marina with rental boats, tackle shop and snack bar/grill at the Cachuma Lake Recreation Area, HC 59, Hwy. 154, Santa Barbara, Ca. 93105. (See Exhibit #A – Vicinity Map; and Exhibit #B – Site Plan).

Cachuma Lake Recreation Area is operated by the Santa Barbara County Park Department under a management lease with the U.S. Bureau of Reclamation. The original management lease expired in 2003 and currently is being operated under an extended agreement expiring on January 12, 2011. A new Master Lease is anticipated upon the completion of a Resource Management Plan being prepared by the Bureau of Reclamation, with an anticipated completion date sometime this year. The Cachuma Recreation Area is a popular year-round recreation and camping area, drawing both RV and tent campers from the Central and South Coasts and Southern California. Cachuma receives over 650,000 visitors annually.

The recreation area encompasses 9,250 acres including the 3,250 surface acre lake and has an annual operating budget of approximately 1.8 million dollars. The lake is operated entirely from gate receipts and concession revenues receiving no county general fund contribution for its operation. A sewage treatment plant and water treatment plant is operated by Santa Barbara County Parks and provides drinking water and sanitation for the recreation area.

Recreational activities include fishing, boating, lake cruises, birding, hiking, the Nature Center, guided nature activities, swimming pools, children's playgrounds, picnicking.

Campsites: 427

Full RV hookups: 105 Partial RV hookups: 33

Yurt sites: 3

All other sites have tables fire pits, and nearby water.

A recreation center for meetings, seminars, and social gatherings has a full kitchen, fireplace, and restrooms.

The Cachuma Lake Store offers basic groceries, camping equipment, gift shop; also a gasoline station and propane is available.

Lake: Capacity: 197,302 acre feet

Area: 3250 acres Length: 7 miles

Depth: 150 feet maximum

Shoreline: 42 miles

Watershed: 421 square miles (269,440 acres)

Elevation: 753 feet above sea level, inc. surcharge

The current marina concession contract has been terminated and all assets associated with the current concessionaire have been purchased by the county and will be utilized by the successful proposer through a licensing agreement under the concession contract.

Business Terms

Following the selection of a proposal by the County Parks Department, the Parks Department and Real Property staff will negotiate an operational agreement with the selected party based on the following terms. The final operational agreement will be subject to approval by the County Board of Supervisors.

- Proposed Term: Currently County Parks only has the authority to offer a
 month to month term until January 12, 2011 or until such time the county
 receives an extension or a new master contract is negotiated with the Bureau
 of Reclamation for management of the recreation area. At the time of a new
 master agreement, a new RFP for the marina operation will be required.
- 2. **Proposed Percentage Rent:** 10% of gross minimum.
- 3. **Proposed Monthly Rent:** \$6,000 (applies only when the business is closed for any extended period of time and/or the monthly percentage rent is below \$4,000).
- 4. Required Insurance: Operator shall provide Workers' Compensation and Employers' Liability Insurance to cover all concessionaire staff while performing any work incidental to the performance of the lease agreement. General and Automobile Liability Insurance shall be provided with coverage limits not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate. All insurance coverages are to be placed with insurers which: (1) have a Best's rating of no less than A: VII; and (2) are admitted insurance companies in the State of California. Concessionaire will also be required to provide Watercraft Liability Insurance with coverage that has a \$1,000,000/ \$2,000,000 aggregate coverage naming the Santa Barbara County as additional insured. This will be a condition of the licensing agreement for utilization of the boats, motors and associated watercraft equipment, trailers and Snack Bar Equipment.

5. **Hours of Operation:** Operator shall be open for business daily corresponding with the lake opening and closing hours which vary during the year. Business shall operate seven (7) days a week, except on Christmas Day and extended hours are encouraged.

A sample concession agreement, which contains most of the standard terms and conditions required by the County for a concession agreement, is available for review at the Parks Department's Administrative Office, at 610 Mission Canyon Road, Santa Barbara, California. It is the responsibility of the Proposer to review the sample agreement, examine the economic environment, and conduct such further investigations as are necessary or appropriate to ensure that the nature of the undertaking and the obligations to be assumed by the Proposer are fully understood.

B. GENERAL REQUIREMENTS

1. General

The intent of this Request for Proposal (RFP) is to result in an operation agreement for a marina, boat rentals and snack bar/grill Cachuma Lake Recreation Area. In addition to the Concession Agreement a License Agreement shall be entered into for the utilization of the boats, motors, and associated watercraft equipment as well as Snack Bar and Tackle shop buildings and equipment. The evaluation of the responses and award of any resulting contract will be in conformance with the rules of this section and applicable State law and County policy. A Proposer's submitted proposal is an irrevocable offer valid for ninety (90) days following the closing date for receipt of proposals. This RFP includes, in addition to an explanation of the County's needs (which must be met), instructions which prescribe the format and content of the proposal to be submitted.

2. Examination of the Request for Proposal

Proposers should carefully examine the entire RFP and addenda thereto, if any, and should become fully aware of the nature of the services to be provided.

3. Questions Regarding the RFP

If further information is needed, please contact: Sonia Thompson, at (805) 568-2467

If it becomes evident that this RFP must be amended, a formal amendment will be issued to the Proposers and, if necessary, a new proposal due date will be established.

Attachment 2

Verbal communications from County staff concerning the RFP are not binding on the County and shall in no way excuse the successful Proposer of obligations as set forth in the RFP, unless the RFP has been formally amended.

C. STEPS OF PROPOSAL DEVELOPMENT AND REVIEW

1. Submittal of Proposals

a. Preparation

The proposal must be complete in all respects as required in these specifications (described in detail in section entitled "PROPOSAL CONTENTS" on page 7 of this RFP). A proposal is to be prepared in such a way as to provide a straightforward and concise discussion of the Proposer's ability to satisfy the requirements of this RFP. Emphasis should be placed on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.

b. Proposer's Cost

The cost of developing a proposal is the responsibility of the Proposer and is not chargeable to the County.

c. Signatures

Proposals shall be on Proposer's letterhead and signed by an individual(s) who is/are authorized to bind the Proposer contractually. The Proposer must not include any limiting statements in its proposal that would preclude the proposal from being held as an irrevocable offer for at least ninety (90) days after the date the proposals are to be received. An unsigned proposal will be rejected.

d. Terms

Proposal shall not include terms which conflict with the terms of this RFP – "Proposal to Operate a Marina, Boat Rentals, Snack Bar/Grill and Tackle Shop at Lake Cachuma Recreation Area.

e. Delivery of Proposal

Sealed proposals will be received by the Santa Barbara County Parks Department's Business Manager until **3:00 p.m., Friday April 2**, at which time they will be publicly opened. The names of the Proposers will be read aloud by the Parks Department designee. No other information will be given at that time. Proposals received after that time will be returned to the Proposer unopened.

2. Mandatory Requirements

Attachment 2

These instructions prescribe the proposal format and the approach for the development and presentation of proposal data. Format instructions must be adhered to. All requirements and questions in the RFP must be responded to and all requested data must be supplied.

3. Proposal Format

Respond to all information requested in this RFP. Brochures and advertisements will not be accepted as a substitute for these requirements.

A qualifying proposal must address all items.

4. Submittal and Selection Process

The County reserves the right to award the contract to the Proposer whose proposal is in the best interest of the County, as determined by the County. The basis of the award shall be, but is not limited to, the following criteria:

- a. Qualifications of Proposer Business history and experience, type of legal entity with whom the County would contract, etc.
- b. Project Management Qualifications of project manager.
- c. Results of credit, business, and personal reference checks.
- d. Capital Improvement Plans Proposer's plans for improving the facility to enhance current and future business activity and opportunities.
- e. Performance/Security Deposit Selected Proposer will be required to submit a \$3,500 preparation/processing deposit to cover the cost of preparation and processing of the operational agreement by County Real Property and Parks staff; and a \$5,000 good faith/performance deposit to ensure that the selected Proposer will ultimately enter into an agreement with the County. The \$5,000 good faith/performance deposit will be returned to the selected Proposer within 15 days of the date of execution of an operational agreement with the County.
- f. Any other criteria the County determines necessary for a fair and complete proposal.

Note – the above criteria is not listed in order of importance. Weighted values will be assigned to the criteria during the evaluation process.

Once an award recommendation is decided upon by the Parks Department, the proposals will be available for public inspection (See Section 6. Proposal Terms).

5. Conformance to Specifications

Each proposal will be checked for the required material and information in conformance with the requirements of this RFP. These requirements are obligatory and failure to respond fully may deem the proposal non-responsive.

6. Proposal Terms

a. Right to Reject Proposals and Waive Defects

The County reserves the right to reject all proposals or waive any technical defect or discrepancy in a proposal.

b. Proposal Acceptance Periods

All proposals shall remain firm for ninety (90) days following the closing date of receipt of proposals.

c. Ownership of Proposal Documents

Proposer understands that all information, documents, records, and materials submitted to the County in response to this RFP, and subsequent documents deemed necessary by the County, will become and remain irrevocably the exclusive property of the County. All information, documents, and material, with the exception of certain items that are excludable by law, will become public information and made available upon request for review to the other Proposers and the public after a selection has been made and recommended to the County Board of Supervisors.

d. Proprietary Information

Proposer should clearly designate any and all proprietary information contained in its proposal. Financial statements and tax returns will be held as confidential information and returned to Proposer following the evaluation process.

e. Rejection of Proposals

To better ensure open competition, proposals may be rejected if, in the County's determination, they show any irregularities, conditions, non-conformities, or obviously unbalanced proposals.

f. Proposals shall be in accordance with the laws of the State of California.

PROPOSAL CONTENTS

General

All proposals should include, at a minimum, the information described in the following section. The inclusion of any additional information that will assist in the evaluation is encouraged.

Proposer's Business Concept and Plan

- 1. Submit a description of any planned capital improvements to the facility (as referenced in "PROPOSAL EVALUATION" section on page 9).
- 2. Include a tentative plan for capital improvements to the facility, including a sketch of key design elements. Additionally, provide a cost estimate and timeline for completion of capital improvements to the facility. The cost estimate shall include local, State, and federal regulatory and permitting costs for any proposed capital improvements to the facility or associated structures.
- 3. List proposed days and hours of operation.
- 4. Submit a projection of revenues and expenses for a five-year period. Identify funding/financing for capital improvement costs.
- 5. Submit a marketing and advertising plan for the business.
- 6. Confirm that all insurance requirements will be met.
- 7. Indicate the proposed percentage rent, minimum monthly rent, and lease term.
- 8. Selected Proposer to submit the County's required lease preparation/processing deposit and the good faith/performance deposit.
- 9. Limited on-site residency is a possibility for the selected concessionaire. This will be a negotiable item in the concession lease agreement.

Proposer's Business Information

- 10. Provide contact information including name, address, and phone number.
- 11. Indicate business entity, for example sole proprietor, partnership, corporation, etc.
- 12. List corporate officers (if applicable).

- 13. Indicate the length of time and locations at which Proposer has operated a similar business(s).
- 14. Provide a minimum of three (3) business and three (3) personal references.

Proposer's Financial Information

- 15. Submit a financial statement indicating total net worth. The statement should correspond to the most recent full calendar or fiscal year. An audited financial statement is preferred.
- 16. Provide a minimum of three credit references.
- 17. Indicate if the Proposer is involved in any litigation or other disputes that could affect its ability to execute and/or undertake this concession lease agreement.
- 18. Indicate if the Proposer has ever filed for bankruptcy or had projects that have been foreclosed. If applicable, list the dates and circumstances.
- 19. Submit any other documents or reports that would assist in determining the financial condition of the Proposer.
- 20. The County will conduct a credit check and a background check on the Proposer.

DISCLOSURES

The County will provide the lease site "as is." The site has been used as a marina operation, tackle shop, boat mooring slips and fuel dock, there is also a grill and snack bar where visitors can purchase hamburgers, hot dogs, etc., which operates out of the same facility.

Proposer will be responsible for all on-site utility charges including water, sewer, electricity, natural gas, and refuse and any necessary operational permits. All remodeling/improvements will require the Proposer to obtain all the necessary permits and approvals required by the County's Planning and Development Department, including a building permit, as well as approval by the County Parks Director. In addition, the Proposer will be responsible for obtaining all required permits and approvals by local, State, and federal regulatory agencies related to any remodeling and/or facility improvements. The Proposer will bear the costs of all mitigation, design, review, planning, permitting, and any other approval processes required by any local, State, or federal regulatory agencies in relation to facility improvements.

The Proposer will be required to comply with all local, State, and federal laws and regulations regarding bidding, prevailing wages, labor, and other legal mandates and requirements for any improvements made to the facility.

PROPOSAL EVALUATION

Evaluation Process and Criteria for Evaluation

Specific criteria have been established to assist the County in the evaluation of the proposals. The proposal review team may use additional criteria that they deem to be significant in selecting the best proposal.

- 1. Business Plan 50 points
 - Proposed percentage rent and minimum monthly to be paid to the County
 - Days/hours of operation
 - Price structure for goods and services to be provided on site
 - Customer benefit
 - Marketing & advertising plan
- 2. Management 20 points
 - Company history
 - Business experience
- 3. Financial Information 20 points
 - Financial statement/financial history
 - Five-year revenue & expense projections
- 4. Capital Improvements 10 points
 - Planned facility improvements
 - Description/sketch of proposed capital improvements
 - Method of financing for all proposed capital improvements
 - Method to mitigate construction impact on park operations and continue to provide concession services to the public during construction

<u>Additional Information from Proposers</u>

The Parks Department reserves the right to request information from Proposers beyond that specified in the RFP. Proposers may be requested to appear before the proposal review team.

Qualifications of Proposal

This is not a bid solicitation and; therefore, the Parks Department is not obligated to accept any proposal or to negotiate with any Proposer. The proposal review team reserves the right to reject any or all proposals without cause or liability.

Agreement Preparation/Processing Deposit

A cashier's check, in the amount of \$3,500, payable to the County of Santa Barbara/Parks Department, must be submitted by the selected Proposer as a concession agreement preparation/processing deposit at the time of notification of selection. These funds will be applied towards the County's cost to prepare and process the concession agreement. Any unused portion of this deposit will be returned to the selected Proposer within 15 days of the date of execution of a concession lease agreement with the County. Conversely, if additional funds are required to complete preparation and processing of the concession lease agreement, such funds shall be submitted to the County promptly upon request.

Good Faith/Performance Deposit

In addition to the lease preparation/processing deposit, a cashier's check, in the amount of \$5,000, payable to the County of Santa Barbara/Parks Department, must be submitted by the selected Proposer as a good faith performance deposit at the time of notification of selection. This deposit will be held by the County as a performance guarantee to ensure that the selected Proposer actually enters into a concession lease agreement with the County. The County will hold this deposit until a concession lease agreement has been executed with the selected Proposer. The deposit will be returned to the selected Proposer within 15 days of the date of execution of a concession lease agreement with the County.

Submission Requirements

Five copies of the proposal must be submitted no later than **3:00 p.m., on April 2nd, 2010.** Postmarks will not be accepted. Submit proposals to:

"Proposal to Operate a Marina, Snack/Bar and Grill at Cachuma Lake Recreation Area." Santa Barbara County Parks Department Administrative Office 610 Mission Canyon Road Santa Barbara, CA 93105 Attention: Sonia Thompson

Contact Person

If the Proposers have any questions regarding the Request for Proposals, they should contact Sonia Thompson, Santa Barbara County Parks Executive Secretary, at (805) 568-2467.

Materials Available for Review

- 1. Copies of a sample concession lease agreement are available for review at the Parks Department's Administrative Office (address referenced above).
- 2. Building permit and construction information can be obtained from the Santa Barbara County Planning and Development Department/Building and Safety Division, at 185 W. Highway 246, Buellton, CA 93427, (805) 686-5020.

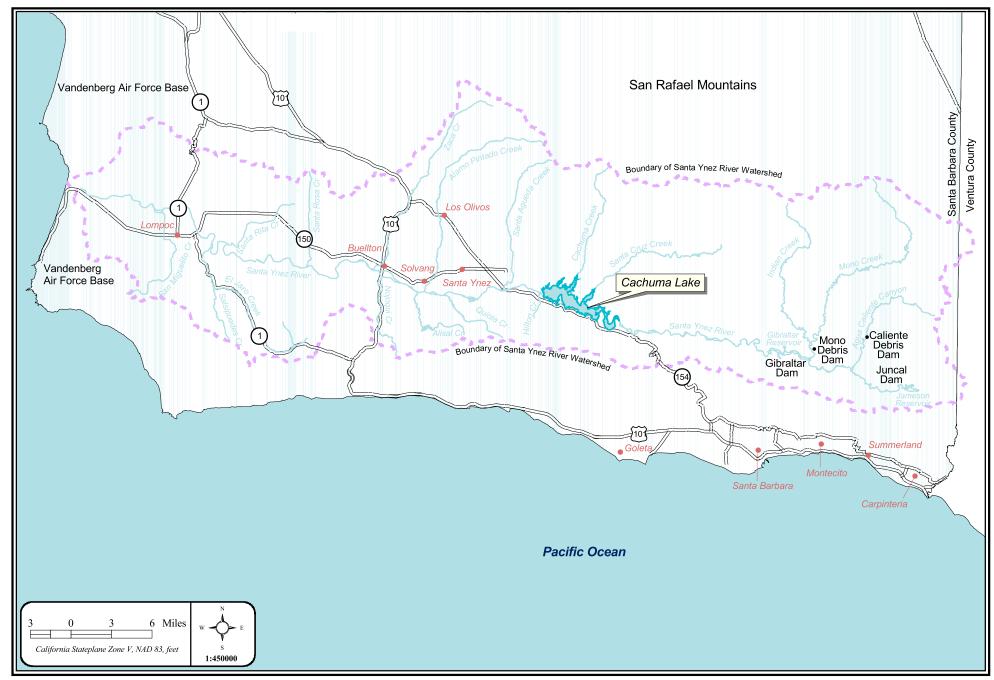
PUBLIC INFORMATION NOTICE

All information received from Proposers will be considered confidential during the review process. After the proposal review team completes its evaluation, the team will recommend selection or another action to the County Parks Director who will then make a recommendation to the County Board of Supervisors. At that point, all information, except that information defined below as excluded, will be treated as public information and made available upon request for review to the other Proposers and the public.

All excluded information which contains financial assets, net worth, and other such information of a non-public nature, including real estate appraisals and rating sheets and other notes resulting from the evaluation process, will be treated as confidential information by the County and will not be made available for public review or to other proposing parties.

Exhibits

- A Vicinity Map for Cachuma Lake Recreation Area
- B Current Site Plan for Cachuma Lake Marina and Snack Bar/Grill
- C Informational Brochure for Cachuma Lake Recreation Area



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Figure 1-1. Location of Cachuma Lake

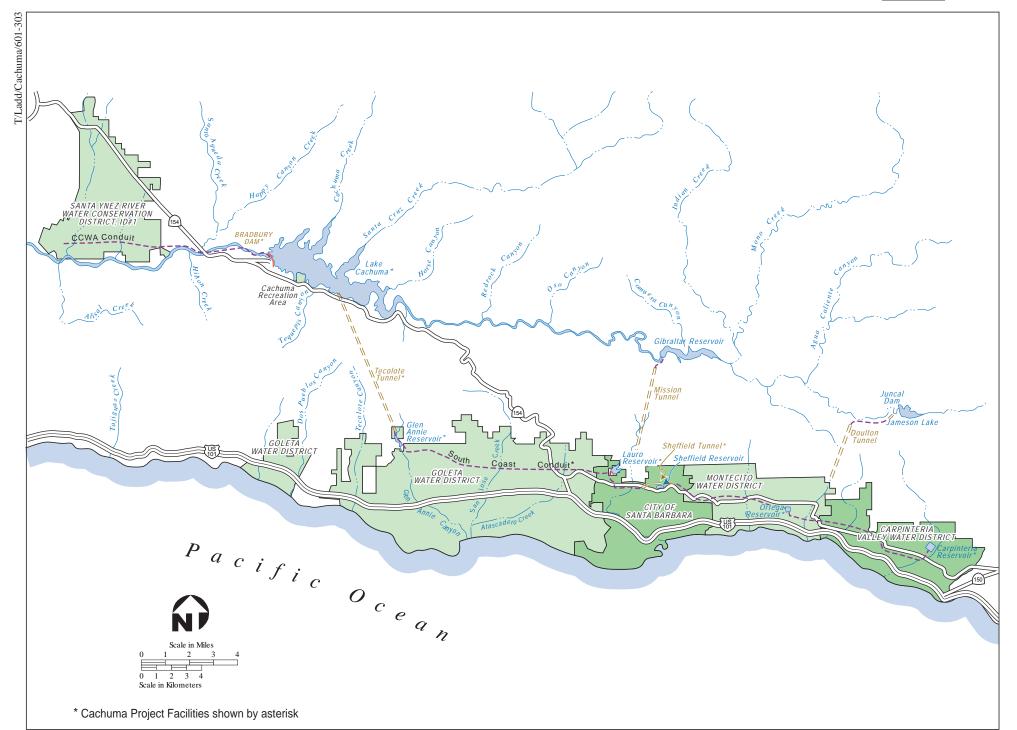


Figure 1-2. Cachuma Lake Project Facilities and Member Units

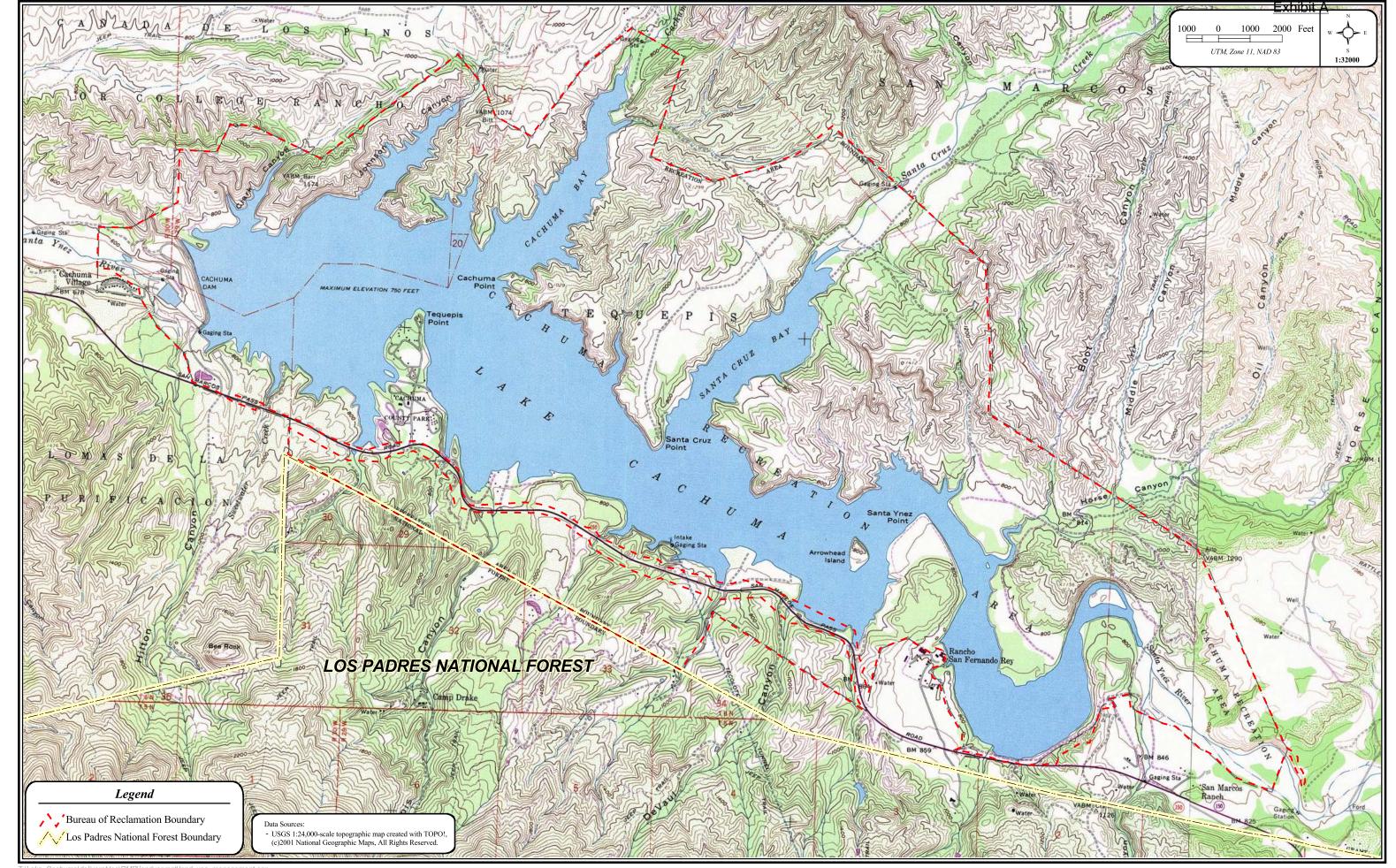


Figure 1-3. Overview of Cachuma Lake Recreation Area

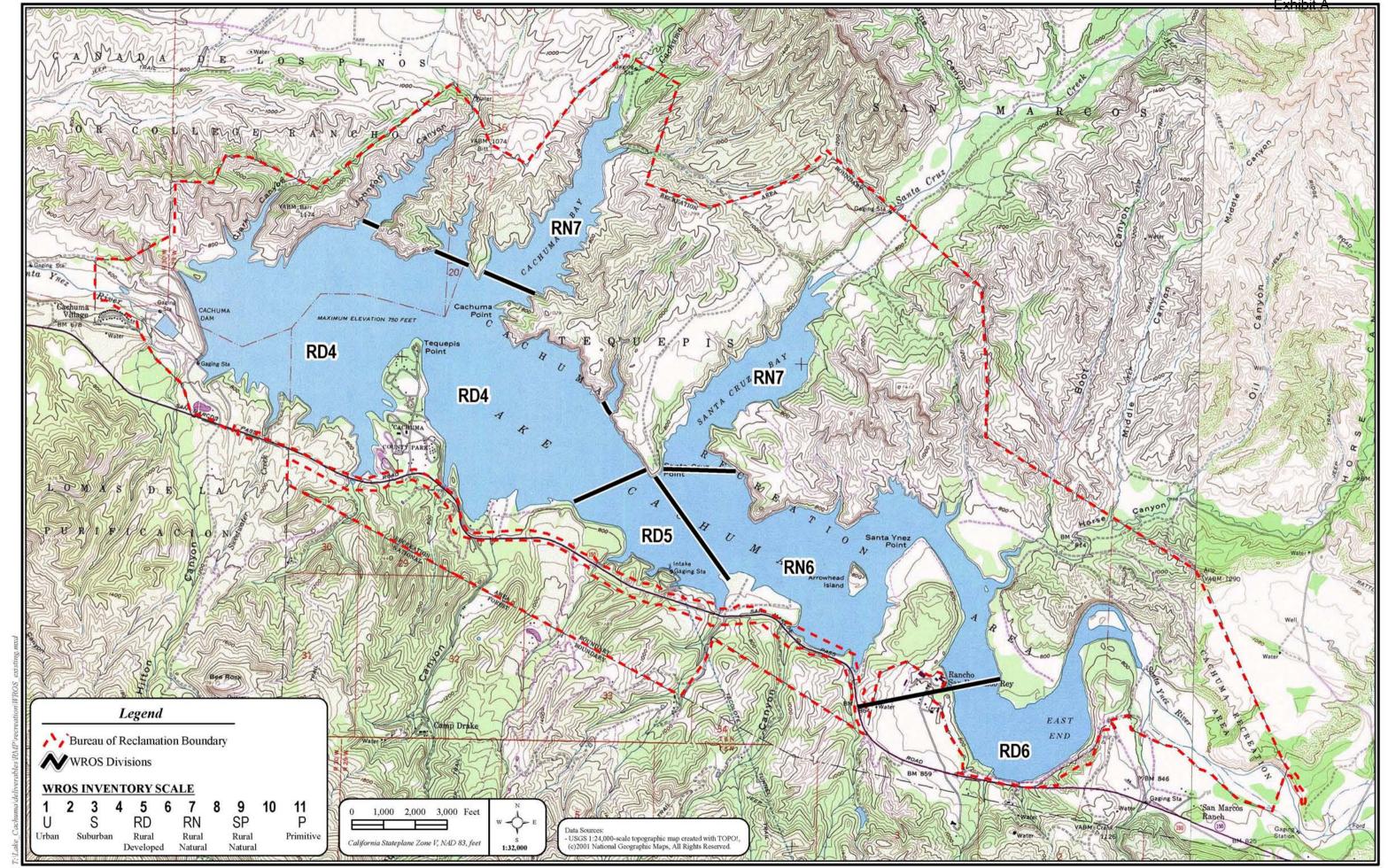


Figure 2-1. WROS Map of Lake Cachuma, Existing Conditions

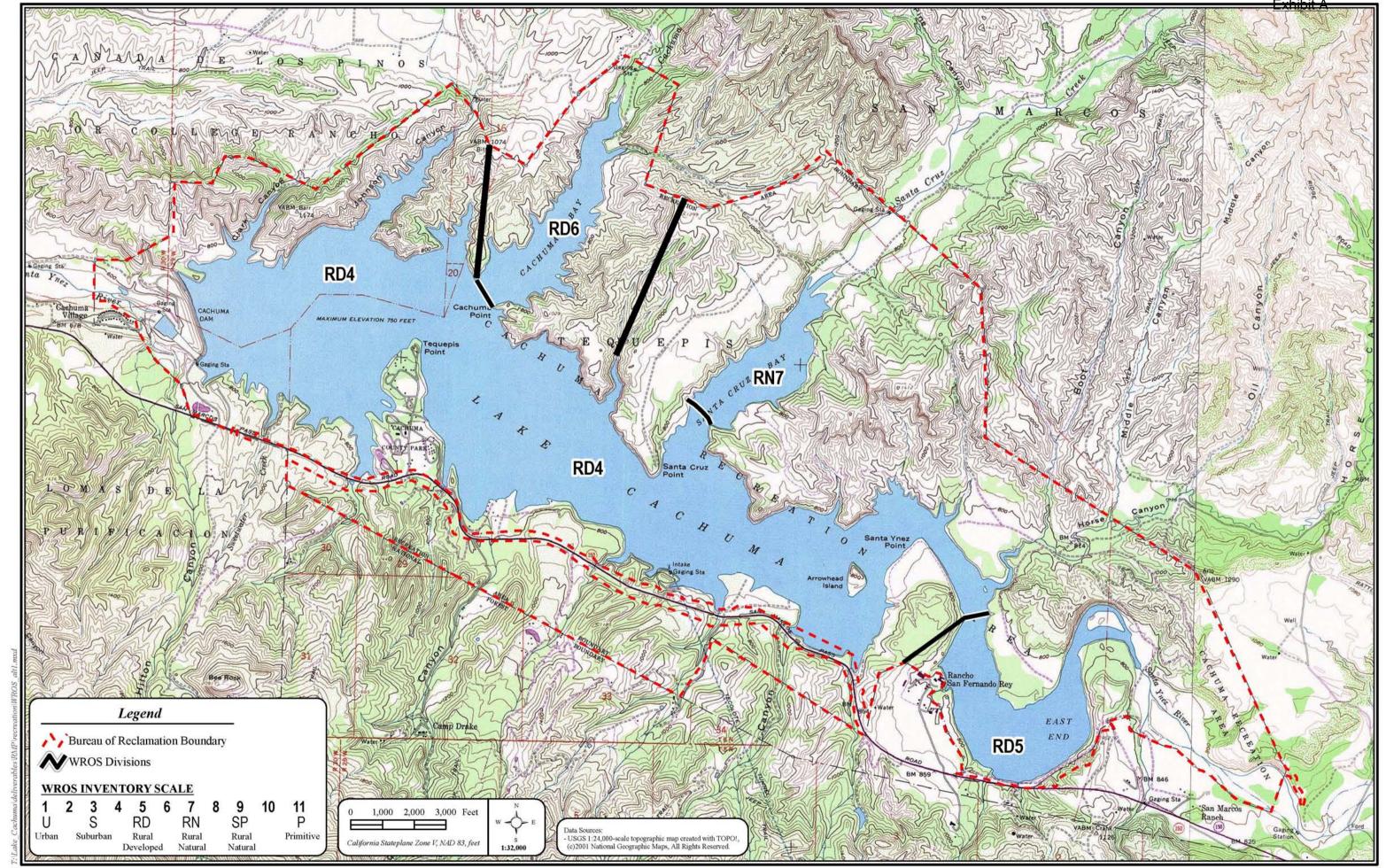


Figure 2-2. WROS Map of Lake Cachuma, Alternative 1

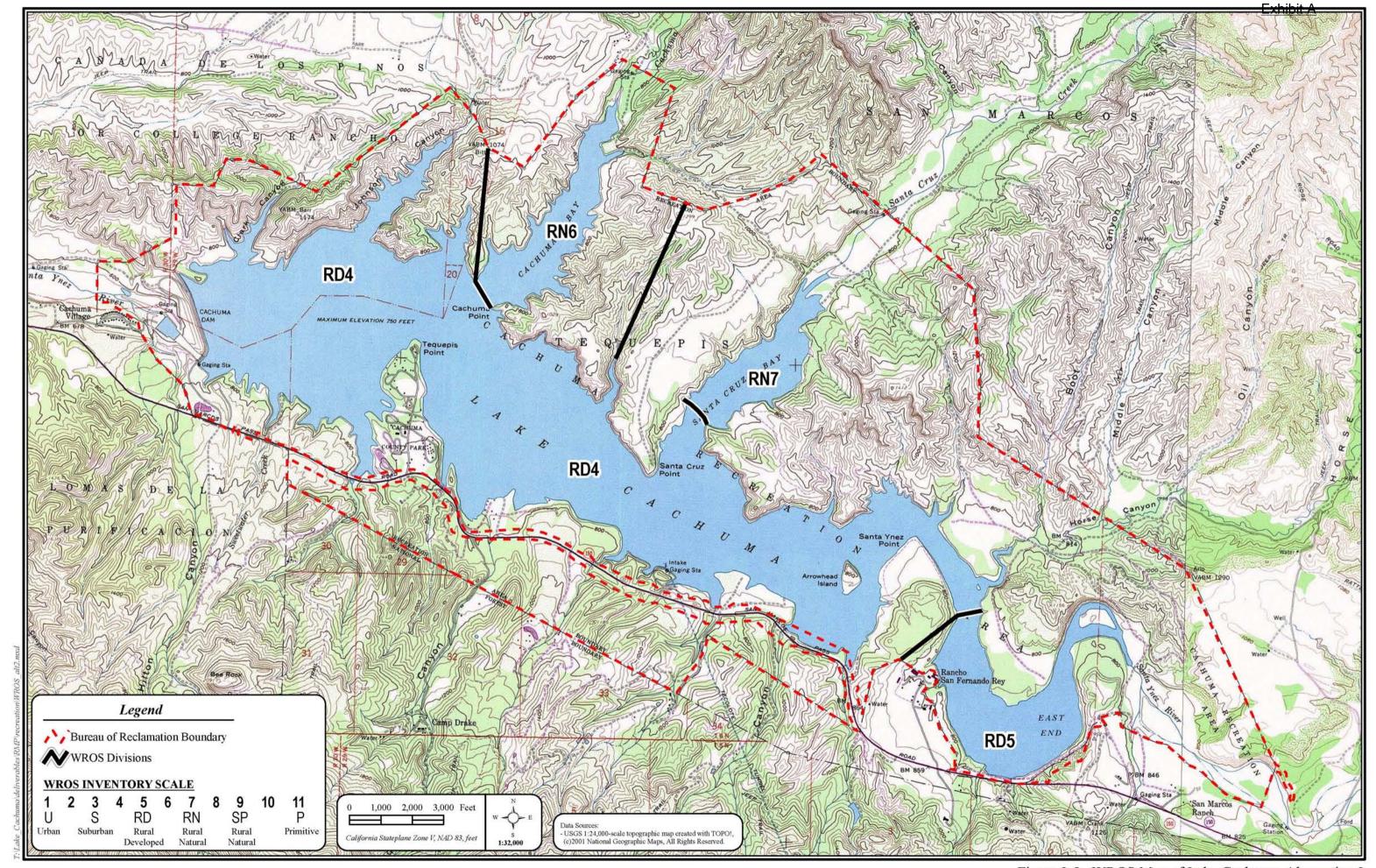


Figure 2-3. WROS Map of Lake Cachuma, Alternative 2

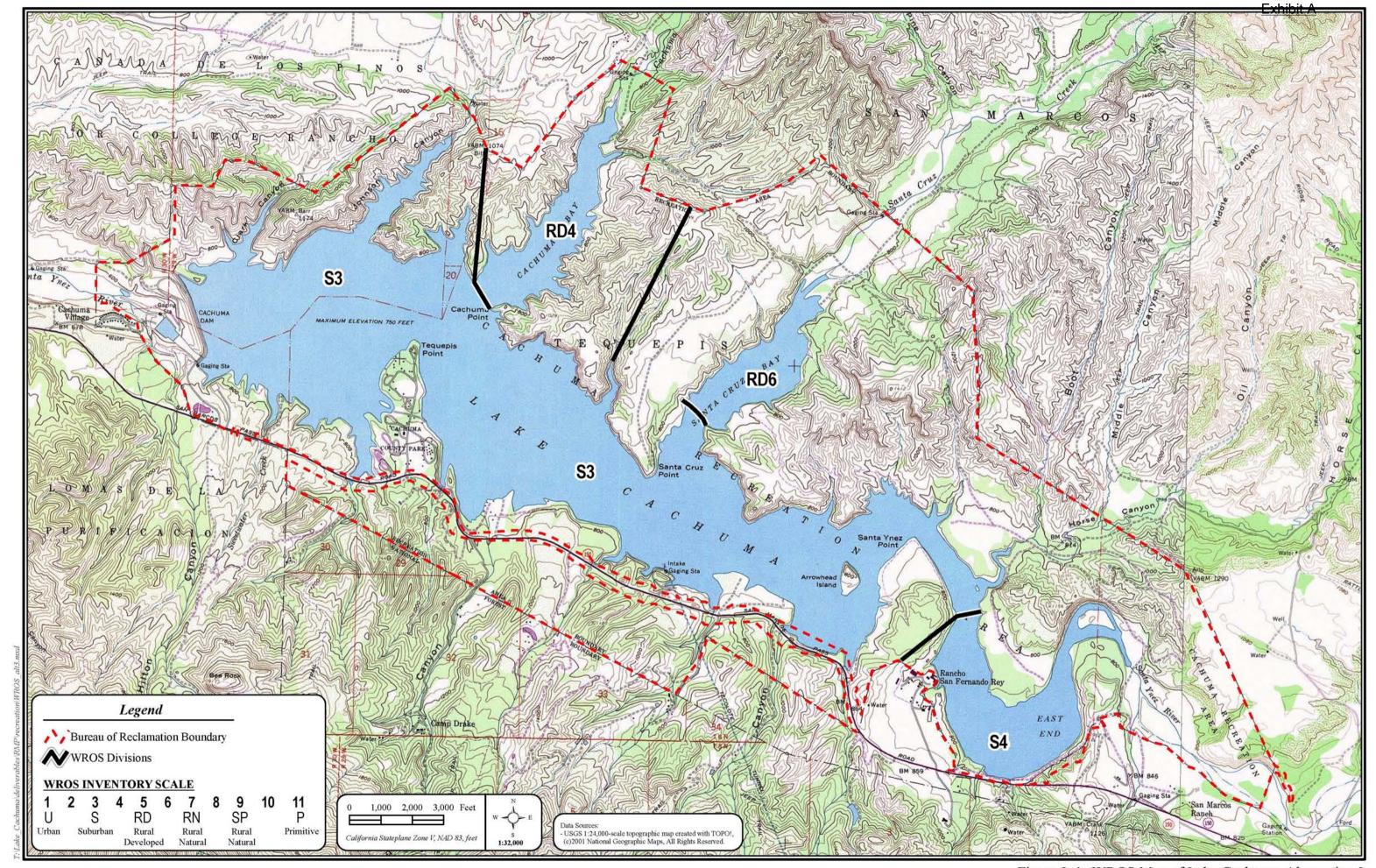
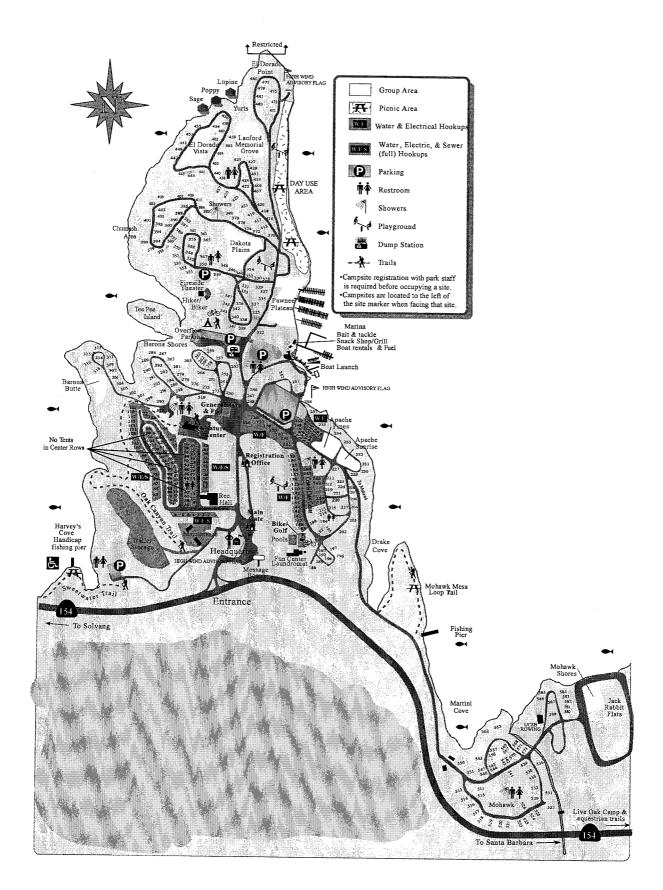
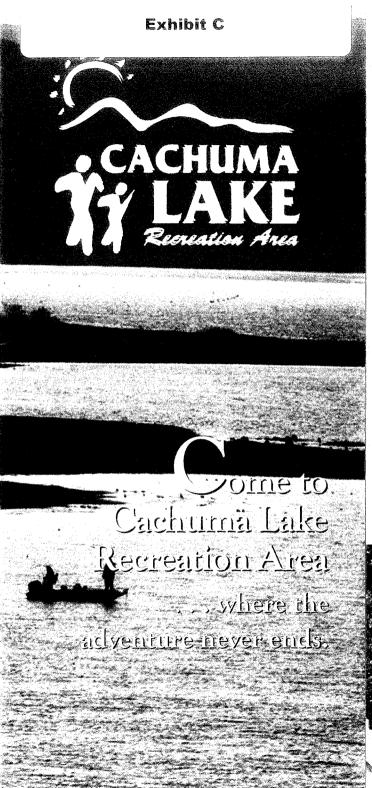


Figure 2-4. WROS Map of Lake Cachuma, Alternative 3







et amidst acres of wilderness flanked by the picturesque Santa Ynez and San Rafael Mountains, lies glimmering Cachuma Lake. Here you will find practically everything you need for a relaxing getaway in the great outdoors: year-round tent, yurt, and RV camping, boating, fishing, nature cruises on the lake, birdwatching, photography, picnics, and romantic sunset strolls.

Mild temperatures, typically sunny skies, and celebrated fishing conditions make camping here during winter months exceptionally rewarding.

Located off scenic Highway 154 in the Santa Ynez Valley, Cachuma Lake is midway between the beaches and bustle of Santa Barbara and the Danish community of Solvang. Although you may feel you are miles from civilization, wine tasting, horseback riding, golf and casino gaming are just a short drive away.

At any age . . . in any season . . . you'll find that the Cachuma Lake Recreation Area offers a fun and relaxing getaway.



than 350 campsites, 90 with full electrical, and sewer hookups, and 38 with electrical ater hookups, can accommodate any size tent

SKIPPERS

er sailboats or motor er of Cachuma explore its s and bays.

ırina.

nfines of an insulated yurt — a cross between e. The various yurts provide platform beds leep five to six, a small table and chairs, lock-ghting and heating, a skylight, and screened ric siding.

THE LIVING IS EASY

Campers and day-trippers will find a fully stocked general store, gas station, coin laundry, snack bar, video arcade, and numerous children's play areas throughout the campgrounds. Take a swim for \$2 per hour in the public swimming pool, available during summer months. Restrooms, showers, camping, and recreational sites have been designed to provide access to people with disabilities.



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Cachuma Lake is renowned for its annual fishing derbies, but regulars to the lake know that the fish are biting all year long. Catch Smallmouth and Largemouth Bass, Catfish, Bluegill, Crappie, and Red Ear Perch. The lake is stocked annually with some 150,000 Rainbow Trout, ranging in size from 1-7 lbs.





OBNETILA, LE GARRE CARÉ

Central Coast Cabins offers three private one-bedroom cabins equipped with electricity, full bathrooms, kitchenettes, living rooms, private porches and picnic tables. Simply pack your sleeping bags/bedding, pillows, towels/toiletries and groceries. Cabins may be reserved year-round and up to one year in advance. For reservations and/or additional information, you can email centralcoastcabins@verizon.net or call (805) 934-1441.

Photos courtesy of County Parks archive.

Brochure designed by Creative Resource Group and Kathleen Baushke.

Copy and coordination: The Dominique Group.

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CACHUMA LAKE FACTS AND PHONE NUMBERS



Each campsite includes a picnic table and BBQ pit, with hot showers, restrooms, and water nearby. An RV dump station is also available. Individual sites are

available year-round on a first come, first served basis. Large gatherings may wish to use Live Oak Camp, which holds up to 1,500 units.

Information and Group Reservations (805) 686-5055 or 686-5050. Recorded info: (805) 686-5054

Enjoy privacy and separation from other campers in a yurt. The redwood deck that curves around the exterior provides stunning views of the lake and surrounding mountains. A picnic table, fire pit, and water are just outside the yurt, with showers and restrooms nearby. Yurts may be reserved year-round and up to 6 months in advance. Rental fees range from \$60 to \$70 per night, depending on yurt size and season. A non-refundable \$15 reservation fee will be

charged, and all reservations must be paid in advance with a credit card. There is a 2-night minimum stay for weekends, and a 3-night minimum stay for all major holidays.

Information and Reservations



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Rates start at \$320. 2- and 3-night minimums apply.

Group Reservations

FISHING

A well-equipped bait and tackle shop is located at the Marina, along with a fish cleaning station. You can have the snack bar and grill prepare provisions for your fishing excursion... or take a leisurely lunch at picnic tables overlooking the lake.

Fishing Conditions: (805) 688-4040



BOATING

The Marina rents 14' and 17' aluminum fishing boats with or without 6 hp and 9.9 hp outboard motors, on an hourly, daily, weekly, or monthly basis. Nifty pontoon boats with covered patio decks for 10, 14, or 20 passengers are also available for rent, as are paddle boats. A boat launch and mooring facility for private sail and motor boats sits adjacent to the Marina. Kayaks,

canoes, and any vessels under 10 feet in length are not allowed, as the lake is a domestic water supply and body contact is prohibited.

Information: (805) 688-4040

NATURE CENTER AND PROGRAMS

Be sure to visit the Cachuma Lake Nature Center, which feature interactive cultural history and natural history exhibits. Take ad vantage of nature walks conducted by naturalists. Kids can earl a colorful badge in the Junior Ranger program on Saturdays In summer, join evening Fireside Programs and gaze through telescope at an astronomy talk.

NOSTRAINC

Cachuma Lake is a domestic water supply, and as such, swimming, water-skiing, canoes, kvaks, windsurfing or any other body contact with the water is prohibited.

A few miles east of Cachuma Lake are 40 undeveloped acres that were once a campsite for cowboys. Today, with 20 acres of grassland and oak groves, it is ideal for festival events featuring overnight camping. The Camp accommodates 1,500 campers in 'open' site fashion, and an additional 2,000 non-camping patrons on a daily basis. Live Oak also lends itself to exclusive getaways for clubs, organizations, and extended family reunions.

Facility. A large kitchen and eating space with roof and concrete floor features walk-in refrigerator, sinks, stoves, ovens, and two 4' x 6' BBQ grills. 250 guests can be served at the picnic tables here, and thousands more about the open grounds of the Camp. Alcohol may be sold with the required permit is filed with Parks Department and the Alcohol Control Board. Electrical power is 108-volt single-phase, and provides up to 100 amps in the cooking area, and another 100 amps in the stage area. You may use the Camp's equestrian ring and chutes, but will need to bring your own staging. 15 chemical restrooms and hot water showers are provided.

Fees: Commercial events open to the public and/or charging admission pay \$3,500/day, and add \$1.50 facility fee to their event ticket price. Private parties and qualifying non-profits pay \$750/day April 1-Sept. 14; \$500/day Sept. 15-March 31. There is a 2-night minimum stay year-round. A completed event request form and non-refundable \$100 reservation fee will apply.

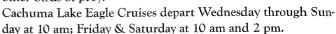
Live Oak Information and Site Inspection: (805) 686-5076 or fax to (805) 686-5075

 In the All Medical Control of States with 			
Call for more information.	Per	Per	Per
Fees subject to change.	Day	Week	Year
Vehicle entry	\$8	!	\$65
Boat launch	\$8		\$65
Basic Campsite	\$20		
4/1 to 9/14		\$140	
9/15 to 3/31	***	\$120	
With Water & Electric Hookup	\$30		
4/1 to 9/14		\$210	
9/15 to 3/31		\$180	
One Add'l. Vehicle in Campsite	\$10		
Bus/Commercial	\$35	The second second	

Owners of dogs entering the park must show proof of current vaccination. There is a \$3 day use fee for dogs.

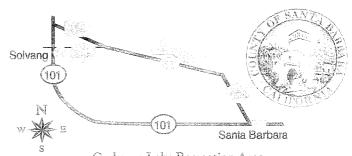
NATURE UPLISES EAGLE CRUISES/ FALL-WINTER

From November 1st through February, the 2-hour, naturalist-led Eagle Cruise offers a close-up view of wildlife and an exciting variety of migratory birds including Bald Eagles, Osprey, White Pelicans, Common Loons, many species of water birds, and other birds of prey.



From March 1st through October, the 2-hour, naturalist-led Wildlife Cruise focuses on wildlife, local birds, flora, geology, and dam and cultural history. California Mule Deer, Red-tailed Hawks, Great Blue Herons, and the occasional Bald Eagle are among the many species that may be observed during the Wildlife Cruise. Cachuma Lake Wildlife Cruises depart Friday at 3 pm; Saturday at 10 am and 3 pm; Sunday at 10 am.

Reservations Are Recommended: Please call (805) 686-5050 weekdays, (805) 686-5055 weekends. Cost is \$15 per adult; \$7 per child (12 years and under); \$8 Park Admission per vehicle. Fees are subject to change. Visa & MasterCard accepted. Special group tours can be arranged by calling the park naturalist at (805) 688-4515.



Cachuma Lake Recreation Area HC 59, Highway 154 Santa Barbara, CA 93105 Tel: (805) 686-5055 Fax: (805) 686-5075 Recorded Info: (805) 686-5054

www.cachuma.com www.sbparks.org

NOTICE OF EXEMPTION

Santa Barbara County Clerk of the Board of Supervisors

TO:

FROM: Santa Barbara County Parks
Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.
APN(s): Various Case No.: N/A
Location: Cachuma Lake Recreation Area
Project Title: Changes to the Operating Agreement Fees
Project Description: Revision to Operating Agreement Fees
Exempt Status: (Check one) Ministerial Statutory Categorical Exemption Emergency Project No Possibility of Significant Effect [§15061(b,3)]
Cite specific CEQA Guideline Section: [§15301] which exempts the leasing and operation of existing facilities.
Reasons to support exemption findings (attach additional material, if necessary): No impacts, no increase in use.
Department/Division Representative Z/17/2010 Date
Note: A copy must be filed with the County Clerk of the Board after project approval and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.
Distribution: Project file
Date File of Counter Clerk