

# **SCC Parks and SCV Water District – Master Partnership Agreement Discussion Paper (June 29, 2016)**

## **Core Principles:**

1. The District and County Parks have their genesis in the County of Santa Clara, we share common goals and service population, our land holdings are inextricably linked, the public does recognize any demarcation in ownership, but rather values the seamless access and recreational experience our joint system provides. Our agencies have worked together for the common good of the Santa Clara County community for over 40 years.
  - a. SCVWD Act and Ends Policies describe the following purposes and goals for the District:
    - i. Enhance, protect, and restore streams, riparian corridors, and natural resources... (District Purpose 7)
    - ii. Preserve open space in Santa Clara County and support the county park system... (District Purpose 8)
    - iii. To acquire, construct, maintain, and install landscaping or recreational facilities in connection with any dam, reservoir, or other works owned or controlled by the district. (District Purpose 16)
    - iv. Improve quality of life and support healthy communities by providing public access to District facilities and additional trails, parks, and open space along creeks and in the watersheds. (District Ends Policy 4.2.1&2 combined)
  - b. SCC Parks Mission and Vision describe the following purposes and goals for the Parks and Recreation Department:
    - i. Provide, protect, and preserve regional park lands for the enjoyment, education, and inspiration of this and future generations.
    - ii. Provide a diverse regional parks, trails, and natural areas that connects people with nature, supports healthy lifestyles, offers outstanding visitor experiences... while balancing recreational opportunities with the preservation of natural, cultural, historic and scenic resources.
2. Providing safe, reliable drinking water, and providing for a safe community and healthy environment through managing natural resources, including watersheds and riparian areas and mitigating flood risk is generally compatible with providing for public access and recreational use of the shared system of land and facilities managed by the District and the County.
3. Stewarding these resources and providing public access to these lands and facilities is a shared responsibility. Our agreements and policies should recognize the unique relationship of County Parks and District.
4. Collaboration, leveraging our individual strengths, and sharing resources can maximize the public good and generate efficiencies to each agency.

**Board of Supervisors:** Mike Wasserman, Dave Cortese, Ken Yeager, S. Joseph Simitian, Cindy Chavez

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5. Our agreements and working relationship should seek to maximize collaboration, respect the priorities and requirements of each agency, and minimize conflict. This collaborative approach should be consistently defined as a line staff responsibility and the leadership of each agency should seek to empower its staff to make decisions that promote our mutual goals. A periodic review of the working relationship between the agencies to ensure implementation of this collaborative culture would be beneficial.
6. By allowing for public access and recreational use of District property, the District supports Park purposes and supports its own goals of promoting public access and use.
7. The County's operation of District property enables Parks to enhance its public mission and service delivery to the public; Park's management of District property also supports the District's other purposes and relieves the District of substantial costs associated with the management of those lands and facilities.
8. The County requests that the District enhance its proactive role in providing recreational facilities by enhancing County Parks engagement and participation in future District land acquisition, capital improvement, and policy development so that our agencies can fulfill our joint and complementary public roles.

**County Park Primary Conceptual Concerns with Current, Recent, or Draft Agreements:**

1. While Parks acknowledges the primacy of water quality and supply, consistent with the District Act and End Policies, we desire a strengthened commitment to public recreational access and use of District lands and facilities by the District.
2. Parks objects to the language in the proposed agreement which makes County Parks solely responsible for the removal of recreational / public access improvements at the termination of the agreement for any reason, or upon 90 days notice from the District for any reason. These improvements represent considerable public investment, their continued presence should be secured as much as possible. Requiring the removal of these amenities is not consistent with the District Act and Ends Policies which support public access and recreational use.
3. Parks objects to the liabilities imposed upon the County by the language in the proposed agreement (Indemnification and Damages sections) wherein the District makes the County responsible for any injury to persons and damage to District, County or other property caused by any public use of, or resulting from any public presence at District facilities regardless of the ownership, cause or negligence of the District.

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## **Other Goals and Issues Parks Seeks to Address in Developing the Master Partnership Agreement (and supporting agreements)**

- Consider repealing the daily boat launch limits which were established when MTBE was an issue.
- Resolve the issue of County management of public events in the “Master Lease” areas, including District requirements related to encroachment permits, and the assignment of liability for third party users/events.
- Provide for reciprocity in mutual access to each agencies properties.
- The County requests that the District enhance its proactive role in providing these recreational facilities by increasing/enhancing County Parks participation in future District land acquisition, capital improvement, and policy development
- Coordination of regional trail issues and creek management, including examining trail opportunities in South County.
- Revisit the feasibility of recreational swimming in designated reservoirs. Recreational access to water is the number one request of County Park visitors (approximately 30% rate this as their top request).
- Clarify the legal requirements of various state laws and the County Park Charter which govern the use and preservation of parkland.
- Discuss the impact of increasing regulations and use restrictions on public use and the cost of managing District properties.
- Greater communication and coordination between District watershed, facility, and County Parks staff and joint collaboration with Habitat Agency for future public access to lands enrolled or acquired for mitigation and Reserve System purposes.
- Delegation of authority to administration to amend and interpret agreement provisions and incorporate new acquisitions.

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