



**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	Tuesday, March 19, 2024
TITLE	Authorization to Appropriate \$865,000 from a Developer-Provided Gift Fund for McCosker Property Projects and Appropriate \$12,998 from PG&E Claim to the Restore McCosker Creek Project: Robert Sibley Volcanic Regional Preserve
DIVISION	Acquisition, Stewardship, and Development
FROM	Brian Holt, Chief of Planning, Trails & GIS Ken Wysocki, Assistant General Manager of ASD
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that the Board of Directors:

1. Authorize appropriation of \$865,000 from OG Property Owners/Sibley Gift Fund (Gift Fund 253) to the Restore McCosker Creek Project, the Construct McCosker Trails Project, the McCosker Long Term Monitoring Project, the Stewardship Restoration Project, and a new project fund for grazing infrastructure development; and
2. Authorize appropriation of \$12,998 from Pacific Gas and Electric (PG&E) claim to the Restore McCosker Creek Project.

BACKGROUND

In 2010, the East Bay Regional Park District (Park District) accepted the 250-acre McCosker property as a donation from Orinda Gateway, LLC (OGLLC), the developer of the Wilder Residential Subdivision Project in the City of Orinda (Board Resolution No. 2010-9-237). As part of this donation, OGLLC also provided a \$1,000,000 management funding donation to be used for the long-term maintenance and management of the property.

The Park District is preparing to open the McCosker property for public access later this year following a major creek restoration project within the property. Funds from the management funding donation, which currently sits in the OG Property Owners/Sibley Gift Fund (Gift Fund 253), is recommended to be appropriated and used to manage the property and provide safe public access.

Separately, PG&E issued engineering drawings of PG&E equipment at the McCosker site to the Park District to be incorporated into construction during the creek restoration project. Errors within the drawings required the Park District to remove and replace PG&E equipment at the Park District's expense. On October 23, 2023, the Park District filed a claim with PG&E for the incorrect engineering drawings. PG&E reimbursed the Park District for the costs to rectify the issue.

ANALYSIS

Following the completion of the creek restoration project at the McCosker property, staff is implementing land management activities to maintain the property and provide for safe public access. These activities include well drilling and development for grazing infrastructure, spring system updates, grazing fencing replacement, and exclusion fencing installation. Funds from the management fund donation would be used to cover these activities.

Funds would also be appropriated to cover capital projects that were approved in the Sibley Land Use Plan Amendment (Board Resolution No. 2018-11-288), including campground development and construction of the Pacific Pea Trail to connect the McCosker property to the open parklands in Huckleberry Botanic Regional Preserve and Sibley.

Appropriation of the entire balance of the PG&E claim to the Restore McCosker Creek Project would be used to reimburse expenses already incurred as part of the creek restoration project's electric work.

FISCAL IMPACT

This Board action will appropriate \$865,000 from the OG Property Owners/Sibley gift fund (Fund 253) into the respective project funds to fund the land management activities and capital projects. The remaining funds would stay in the fund for future land management needs at the McCosker property. This Board action will also appropriate \$12,998 from the PG&E claim into the Restore McCosker Creek Project (#150800).

SOURCE OF FUNDS	
Appropriate from OG Property Owners/Sibley (Gift Fund 253)	\$ 865,000
Appropriate from PG&E Claim	12,998
Total Funds Available	\$ 877,998

USE OF FUNDS	
Restore McCosker Creek (Project 150800) for campground development	\$ 412,998
Grazing Infrastructure Development (New Project Fund)	250,000
McCosker Long Term Monitoring (#542600) for exclusion fencing	15,000
Construct McCosker Trails (#167900)	100,000
Stewardship Restoration (#562200) for grassland restoration	100,000
Total Current Project Cost	\$ 887,998

ATTACHMENTS

- I. Attachment A: McCosker Property Map



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 03-
MARCH 19, 2024**

AUTHORIZATION TO APPROPRIATE \$865,000 FROM A DEVELOPER-PROVIDED GIFT FUND FOR MCCOSKER PROPERTY PROJECTS AND APPROPRIATE \$12,998 FROM PG&E CLAIM TO THE RESTORE MCCOSKER CREEK PROJECT: ROBERT SIBLEY VOLCANIC REGIONAL PRESERVE

WHEREAS, the East Bay Regional Park District (Park District) accepted the 250-acre McCosker property donation and an associated management funding donation in the amount of \$1,000,000 for the long-term management of the property from Orinda Gateway, LLC (OGLLC) in 2010; and

WHEREAS, Park District staff have completed the McCosker Creek Restoration Project at Robert Sibley Volcanic Regional Preserve (Sibley) and are moving forward with land management activities and capital projects at the McCosker property to prepare for future public access; and

WHEREAS, funds from the management funding donation are available to cover these activities; and

WHEREAS, Pacific Gas and Electric (PG&E) provided incorrect engineering drawings of PG&E equipment on the McCosker property during construction for the creek restoration project that resulted in the Park District incurring costs to rectify the issue; and

WHEREAS, on October 23, 2023, the Park District filed a claim with PG&E for the incorrect engineering drawings in the amount of \$12,998; and

WHEREAS, PG&E reimbursed the Park District for the costs to rectify the issue;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes the appropriation of \$865,000 from the OG Property Owners/Sibley Gift Fund (Gift Fund 253) into the Restore McCosker Creek Project (#150800) in the amount of \$400,000, into a new project fund for grazing infrastructure development at McCosker in the amount of \$250,000, into the McCosker Long Term Monitoring Project (#542600) in the amount of \$15,000, into the Construct McCosker Trails Project (#167900) in the amount of \$100,000, and into the Stewardship Restoration Project (#562200) in the amount of \$100,000 as presented to the Board on March 19, 2024; and

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes acceptance of the claim payment of \$12,998 from PG&E for the incorrect drawings; and

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the balance of the PG&E claim in the amount of \$12,998 to be appropriated to the Restore McCosker Creek Project (#150800) as reimbursement for the expenses incurred to rectify the issue; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and adopted March 19, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: