

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 13.1
(ID # 22373)

MEETING DATE:
Tuesday, October 03, 2023

FROM : Regional Parks and Open Space District:

SUBJECT: REGIONAL PARKS & OPEN SPACE DISTRICT: Approval of Right of Entry and Maintenance Agreement Between the Riverside County Regional Park and Open-Space District and the Riverside County Flood Control and Water Conservation District for the Maintenance of the Mural on the Prado Dam Spillway, CEQA Exempt per State CEQA Guidelines Section 15301 and 15061(b)(3), District 2. [\$0] (Companion Item to MT Item No. 22865)

RECOMMENDED MOTION: That the Board of Directors:

1. Find that the Right of Entry and Maintenance Agreement ("Agreement") is exempt from the California Environmental Quality Act (CEQA) pursuant the State CEQA Guidelines Section 15301, Existing Facilities and Section 15061(b)(3), the "Common Sense" exemption;

Continued on Page 2

ACTION:Policy


Kyla R. Brown, General Manager 9/27/2023

MINUTES OF THE BOARD OF DIRECTORS

On motion of Director Perez, seconded by Director Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: October 3, 2023
xc: Parks, Flood

Kimberly A. Rector
Clerk of the Board

By: 
Deputy

(Companion Item 11.3)

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RECOMMENDED MOTION: That the Board of Directors:

2. Approve the Agreement between the Riverside County Regional Park and Open-Space District, a special district created pursuant to the California Public Resources Code Division 5, Chapter 3, Article 3 ("RivCoParks"), and the Riverside County Flood Control and Water Conservation District, a body corporate and politic ("Flood Control"), and authorize the Chair of the Board of Directors ("Board") to execute the Agreement documents on behalf of RivCoParks;
3. Authorize the General Manager or designee to take all necessary steps to implement the Agreement, including, but not limited to, negotiating, approving and executing any future non-substantive amendments to the Agreement that do not materially change the provisions of the Agreement, subject to approval as to form by County Counsel;
4. Authorize the General Manager, at his/her sole discretion, to terminate the Agreement in accordance with the terms and conditions of the Agreement if such action is desired by RivCoParks; and
5. Direct the Clerk of the Board to return two (2) executed copies of the Agreement to RivCoParks.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	23/24

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On February 28, 2023 (M.O. 11.5), the Board approved the License Agreement between the United State of America, Acting By and through the U.S. Army Corps of Engineers, Los Angeles District ("Corps"), and Flood Control, which set forth the terms and conditions by which the Corps granted Flood Control a license for the design, installation, operation and maintenance of the Prado Dam bicentennial mural ("Mural"). To accomplish the repainting of the Mural, Flood Control entered into a Right of Entry and Copyright Conveyance Agreement with the Bicentennial Freedom Mural Conservancy for the design and installation of the Mural, which was approved by the Board on March 7, 2023 (M.O. 11.1).

Now, in order to carry out the maintenance of the Mural, Flood Control and RivCoParks wish to enter into this Agreement to set forth the terms and conditions by which RivCoParks will maintain the Mural.

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County Counsel has approved the Agreement as to legal form. A companion item appears on the Flood Control's agenda this same date.

Prev. Agn. Ref.: MT#21321 11.5 of 02/28/2023
MT#21331 11.1 of 03/07/2023

Environmental Findings

The Agreement is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities), which exempts the "minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." The Agreement sets forth the terms and conditions by which RivCoParks will maintain the Mural on the existing Prado Dam Spillway.

Additionally, the Agreement is exempt from CEQA pursuant to Section 15061(b)(3) (Common Sense Exemption), which provides "The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The Agreement establishes the terms by which the original Mural will be maintained on the existing dam spillway. Accordingly, because it can be seen with certainty that there is no possibility that the execution of the Agreement in question may have a significant effect on the environment, Section 15061(b)(3) of the State CEQA Guidelines applies.

Impact on Residents and Businesses

The proposed action entails no new fees, taxes or bonded indebtedness to residents or businesses. The Mural serves as a beacon of pride and patriotism for the surrounding communities.

Additional Fiscal Information

The Mural is being restored using funds raised by the Friends of the Prado Dam Mural, the Bicentennial Freedom Mural Conservancy, and contributions from local businesses. RivCoParks will fund the maintenance costs associated with the Mural.

ATTACHMENT:

Notice of Exemption

Right Of Entry and Maintenance Agreement between the Riverside County Regional Park and Open-Space District and the Riverside County Flood Control and Water Conservation District

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Douglas Cardonez Jr. 9/27/2023


Aaron Gettis, Deputy County Counsel 9/27/2023

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Riverside
4080 Lemon Street
Riverside, CA

From: (Public Agency): Riverside County
Regional Park and Open-Space District
4600 Crestmore Road, Jurupa Valley, CA 92509
(Address)

Project Title: Prado Dam Mural Maintenance

Project Applicant: Riverside County Regional Park and Open-Space District

Project Location - Specific:
33.88813205704115, -117.6368487158983

Project Location - City: Corona Project Location - County: Riverside

Description of Nature, Purpose and Beneficiaries of Project:
Park District to maintain the Prado Dam Bicentennial Mural per agreement with Riverside County Flood Control. Residents of Riverside County will benefit by continued enjoyment of the mural.

Name of Public Agency Approving Project: Riverside County Regional Park and Open-Space District

Name of Person or Agency Carrying Out Project: Riverside County Regional Park and Open-Space District

- Exempt Status: (check one):
[] Ministerial (Sec. 21080(b)(1); 15268);
[] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Section 15301 (Existing Facilities)
[] Statutory Exemptions. State code number:

Reasons why project is exempt:
Section 15301 exempts the repair, maintenance, or minor alteration of existing public structures involving negligible or no expansion of existing or former use. This project consists entirely of maintaining an existing mural on a public structure.

Lead Agency
Contact Person: Gaby Adame Area Code/Telephone/Extension: 951-955-1395

- If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 9/25/2023 Title: Bureau Chief

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

FILED / POSTED
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder
E-202301063
10/04/2023 09:04 AM Fee: \$ 50.00
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