



Board Agenda Item 44

DATE: September 24, 2024

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: License Agreement with Fresno County Disc Golf

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a License Agreement with Fresno County Disc Golf (FCDG), for the construction, installation, and maintenance of an 18-hole disc golf course at Lost Lake Park and provide maintenance to two (2) previously installed courses at Kearney Park, effective upon execution, not to exceed five (5) consecutive years, which includes a three-year base contract and two (2) optional one-year renewals.**
- 2. Authorize the Director of the Department of Public Works and Planning or designee to sign the written approval to extend the agreement on behalf of the County.**

With the growing popularity of the sport of disc golf in the central valley, FCDG wishes to install an 18-hole course at Lost Lake Park. The course construction will be paid for and maintained with private funds. An escrow agreement between the FCDG and County was previously established during the 2018 agreement term for Kearney Park and will now include Lost Lake Park.

ALTERNATIVE ACTION(S):

Your Board may choose not to approve the recommended action. If the recommended action is not approved, FCDG will not construct or maintain the proposed 18-hole disc golf course at Lost Lake Park. Additionally, FCDG will no longer be responsible for the maintenance and maintenance costs of the two existing courses at Kearney Park. The maintenance responsibilities and maintenance costs would shift to the County Parks Unit, and any potential revenues generated through vehicle entry fees or purchased annual passes to County parks will not be collected by the County.

FISCAL IMPACT:

There is no increase to Net County Cost associated with the recommended action. FCDG estimates that if a new disc golf course is developed, it will generate more parks annual passes for County parks and daily vehicle entrance fee revenues. FCDG will fund the construction cost and on-going maintenance costs of the proposed and existing courses.

DISCUSSION:

Your Board previously approved FCDG's proposal to construct an 18-hole course at Kearney Park in 2018, as well as a second 18-hole course at Kearney Park in 2021. Most recently, on May 21, 2024, your Board approved FCDG hold both exclusive and non-exclusive disc golf tournaments at Kearney and Lost Lake Parks. Under the recommended License Agreement, FCDG will construct and install the proposed 18-hole

disc golf course in a portion of the southern side of Lost Lake Park that is under-utilized. The recommended agreement requires that all expenses related to the construction and maintenance of the disc golf course at Lost Lake Park, and the maintenance of the two courses at Kearney Park be the sole responsibility of FCDG. Additionally, the recommended agreement requires that FCDG comply with County insurance requirements while constructing and installing the disc golf course at Lost Lake Park. Upon completion of the project, the disc golf course shall become the property of the County, and the gift of the course shall be subject to formal acceptance by County via a resolution adopted by your Board.

The proposed License Agreement provides:

- FCDG acknowledges that the users of the three-disc golf courses remain subject to any and all applicable County rules and regulations for use of County parks, as well as park vehicle entrance fees;
- FCDG agrees/acknowledges that its use and its members' use of the three-disc golf course is non-exclusive and may not create any interference with nearby park users, unless the exclusive use of the park for disc golf tournament activities is permitted;
- FCDG and its members agree to conduct their disc golf activities in a safe and orderly manner;
- FCDG agrees that the County may prohibit the use of any disc golf courses at any time;
- To ensure there are adequate and available funds to maintain the Lost Lake Park project and the two existing courses at Kearney Park for their useful lives, FCDG shall make additional annual contributions of not less than \$600.00 to the established trust fund. These funds shall be used by the County for maintenance expenses during the term of the License Agreement and after the Lost Lake disc golf course is gifted to the County;
- If the License Agreement is terminated at any time prior to the completion of the Lost Lake Park disc golf course, FCDG shall restore the project areas to its original condition, at FCDG's sole expense;
- If your Board at any time declares that any one of the three-disc golf courses is no longer being used or is under-utilized by the public, including use by FCDG, or that a course conflicts with another use or planned use of Kearney or Lost Lake Parks by the County, your Board may direct the immediate removal of the specific disc golf course. Any funds remaining in the trust fund upon such removal shall be refunded to FCDG, however, if FCDG is no longer in existence at such time, the funds shall revert to the County.

The term of the proposed agreement is three (3) years with two (2) optional one-year extensions. Prior to the expiration of the recommended agreement, Department of Public Works and Planning staff will return to your Board with a new proposed agreement at which time the Board may consider whether to continue maintenance by FCDG for another five (5) years.

REFERENCE MATERIAL:

BAI #54, May 21, 2024
BAI #77, December 14, 2021
BAI #49, September 11, 2018
BAI #35, December 12, 2017
BAI #47, December 13, 2016
BAI #17, May 10, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Fresno County Disc Golf

CAO ANALYST:

Salvador Espino