November 13, 2018

Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: rescinding Resolution 2017-126, regarding San Geronimo Golf Course Property

Dear Board Members:

RECOMMENDATION:

Adopt a resolution vacating and rescinding Resolution 2017-126 which authorized the County’s acquisition of the San Geronimo Golf Course property from the Trust for Public Land and directing the County to take no further action in reliance on Resolution 2017-126.

SUMMARY

On November 14, 2017, your Board adopted a resolution, Resolution 2017-126 ("the Resolution"), authorizing the President to execute a Purchase and Sale Agreement with the Trust for Public Land ("TPL") for the purchase of real property and certain improvements associated with the San Geronimo Golf Course Property ("the Property").

On January 30, 2018, based on the Purchase and Sale Agreement, your Board approved a Lease and Management Agreement ("the Lease") with TPL to allow the County to conduct the daily maintenance required to keep the golf course property in play-ready condition and manage the Property for public access. That agreement also allowed the County to contract with a third-party vendor during the lease term to operate the golf course during the term of the County’s Lease with TPL. On March 27, 2018, based on these prior agreements, your Board approved a Management Agreement with Touchstone Golf, LLC for Interim Management and Operation of the San Geronimo Golf Course Property (the Touchstone Agreement).

On December 5, 2017, the San Geronimo Advocates and Amelia N. Brown filed a Petition for Writ of Mandate and Complaint for Injunctive Relief, alleging that the County’s approval of the Purchase and Sale Agreement violated the California Environmental Quality Act ("CEQA") and the planning and zoning laws. On October 29, 2018, Marin County Superior Court issued an Order granting the Petition, and ordering that a peremptory Writ of Mandate shall issue from the court, commanding Respondents, County of Marin, and the Marin County Board of Supervisors to:

(a) Vacate and rescind Resolution 2017-126 finding the project to be Exempt, and to take no further action in reliance on said Resolution,
including executing, finalizing, or providing funding for the subject Purchase and Sale Agreement; and

(b) Refrain from any future approvals to acquire the property unless made in compliance with all requirements under the California Environmental Quality Act (CEQA), including those requirements discussed in the court's decision.

To comply with the Court's order, the County must vacate and rescind the Resolution. The Lease will expire by its own express terms at the end of the calendar year. Due to the court-ordered rescission of the Resolution authorizing the Purchase and Sale Agreement, and with the County's lease with TPL expiring on December 31, 2018, the County will no longer have an interest in the Property. As a result, the Touchstone Agreement will also terminate by its terms on December 31, 2018. The County has provided notice to Touchstone Golf that the Touchstone Agreement will expire on December 31, 2018.

REVIEWED BY:

[ ] Dept. of Finance        [ X ] N/A
[ X ] County Counsel       [ ] N/A
[ X ] County Administrator [ ] N/A

Respectfully submitted,

[Signature]
Max Korten
Director

Attachment: (Proposed) Resolution of the Board of Supervisors Vacating Authorization for the Purchase of the San Geronimo Golf Course Property from the Trust for Public Land