

State of California  
The Resources Agency  
Santa Monica Mountains Conservancy

**GRANT PROCEDURES**

Section 1. Introduction and Definitions

1.0. *Purpose.* These procedures serve the dual purposes of advising grant applicants and providing guidance to staff with respect to the review, approval, processing, and monitoring of Santa Monica Mountains Conservancy grants. This document serves as an aid to interpretation, but does not constitute an exercise of discretion otherwise vested by law in the Santa Monica Mountains Conservancy. Nothing contained herein shall be construed to prohibit the exercise of discretion where such action would otherwise be lawful. The ultimate test with respect to any grant is compliance with applicable statutes and the policy discretion vested in the Conservancy.

1.1. *Role of Grants.* The Conservancy is a small state agency with specialized expertise. Based on its personnel resources and management infrastructure, the Conservancy does not implement, by itself, all of the projects necessary to carry out the provisions of the Act. As a policy matter, the Conservancy generally pursues many of its acquisitions, projects, and programs through grants to local agencies, nonprofit organizations, and other eligible applicants.

1.2. *Definitions.* Unless otherwise indicated by their context, the following definitions apply:

“Act” shall mean the Santa Monica Mountains Conservancy Act.

“Applicant” shall mean any entity that has submitted or intends to submit a grant application to the Conservancy.

“Attorney General” shall refer to the Office of the Attorney General within the California Department of Justice.

“Budget and Fiscal Officer” shall refer to that employee of the Conservancy.

“Chief Deputy Executive Director” shall refer to that official of the Conservancy.

“Chief Staff Counsel” shall refer to that employee of the Conservancy.

“Conservancy” shall mean the Santa Monica Mountains Conservancy.

“Executive Director” is that official of the Conservancy.

“Grant Agreement” shall mean a contract between a Grantee and the Conservancy.

“Grantee” shall refer to an applicant to whom the Conservancy has awarded a grant.

“Local Agency” has the same meaning as in Public Resources Code Section 5780.1(e) (within the Recreation and Park District Law).

“Nonprofit organization” is defined in Section 33204.2(a) of the Act.

## Section 2. Grant Programs and Pre-Application Consultation

2.0. *Authority for grants.* The Conservancy may award grants to carry out the purposes of the Act. The Conservancy may award grants to entities that are eligible under the Act, including local agencies and nonprofit organizations pursuant to Sections 33204, 33204.2 and 33204.27.

2.1. *Grant cycle.* The Conservancy operates on a fiscal-year by fiscal-year grant cycle. The Conservancy accepts grant applications at any time, but may not award grant funds for an application unless the Conservancy has been appropriated with sufficient unencumbered grant funds for the application in question. The Conservancy does not anticipate funding for a particular fiscal year and will proceed with consideration of grant applications only after the Governor has signed the budget for the fiscal year in question. The Legislature appropriates funds from bond acts on an annual basis; a legislative appropriation is valid for a three year period.

2.2. *Pre-consultation with Staff.* The Conservancy advises applicants to confer with Conservancy staff regarding a potential project prior to submitting an application; such communication may avoid unnecessary costs of grant application preparation. Applicants are advised and should be aware that, in addition to the requirements of the Act, additional statutory and regulatory requirements may apply to various funding sources and to the project itself. An applicant should conduct research about legal requirements that may apply to the grant project and must advise the Conservancy if it becomes aware of any laws or regulations that would apply to the project. During the pre-application period, Conservancy staff will provide advice to would-be applicants as to the potential suitability of their projects and may also provide recommendations on approaches and modifications that may improve the likelihood that the Conservancy board would approve an application for a grant. If requested, Conservancy staff will estimate the priority that the grant application would likely be assigned considering the Conservancy’s work program. An applicant should be aware, however, that notwithstanding staff comments and

recommendations, all decisions regarding grant applications are at the discretion of the Conservancy board. Prior to submission all applicants should contact:

Rorie A. Skei, Chief Deputy Director  
[skei@smmc.ca.gov](mailto:skei@smmc.ca.gov)  
(310) 589-3200 x 112

### Section 3. Application Process

*3.0 Submission of Application.* As the initial, formal step in the grant application process, the applicant shall submit an original and one copy of a fully completed grant application form (see Exhibit A) to:

Rorie Skei  
Chief Deputy Executive Director  
5750 Ramirez Canyon Road  
Malibu, California 90265

In lieu of hard copies, applications may be submitted via electronic mail in PDF format addressed to [skei@smmc.ca.gov](mailto:skei@smmc.ca.gov), provided that a fully executed original is mailed or delivered to the above address.

All applicants must have a contact e-mail address that is regularly monitored. Primary communication regarding the status of an application will be *via* electronic mail. If an applicant does not have any access to email or is unable to use email due to a disability, the applicant should notify the Conservancy in order to develop an alternative communication protocol.

#### *3.1 Contents of Application*

An application must include a detailed scope of work, including a list of specific tasks, a detailed budget, a timeline for project implementation (including a completion date for each task), any preliminary project plans, and a detailed description of the need for the grant. If the applicant requests advance funds, the applicant must provide a written justification for consideration by the Conservancy and advance funds will only be disbursed after the Conservancy approves the request. The Conservancy may require that, as part of the application process, the applicant certify compliance with specified applicable laws or that the applicant will obtain necessary approvals as part of the project. The Conservancy may also require that an applicant indemnify the Conservancy for potential liability. Where a request is made in an application, the Conservancy may approve, at its discretion and

where the applicant provides sufficient justification, reimbursement of acquisition-related costs that preceded the grant start date.

*3.2 Initial Review.* The Budget and Contracts Officer shall perform initial review of grant applications and shall append to the grant application file a check-list of required approvals/submittals. With respect to any approval or certification required by these procedures, the Conservancy may rely on the signature or initial of the applicant as evidence that the applicant has or will comply. If there has not been staff pre-consultation, the Conservancy recommends that an applicant engage in consultation with the Conservancy to determine whether any concerns or deficiencies in the application exist. If an application is deemed incomplete, the applicant will be notified at the e-mail address supplied in the application.

*3.3. Legal Review.* Applications will be reviewed by the Chief Staff Counsel for consistency with the Act and applicable grant requirements.

*3.4. Policy Review.* The Chief Deputy Director will review applications for consistency with the Conservancy work program. Consistency with the Conservancy work program (prepared pursuant to Public Resources Code section 33208) will be included in staff consideration of the priority that should be assigned to the grant application. As part of the policy review, an applicant may be requested to submit additional information about any part of its project.

*3.5. Project plans.* If a project plan is required under Public Resources Code section 33209, the Chief Deputy Director may ask that the applicant submit information sufficient for the Conservancy to adopt the project plan along with the grant application. Such information may be requested in the form of a draft project plan. Project plan requirements are found at Title 14, California Code of Regulations, section 13905. The applicant shall closely coordinate with Conservancy staff when preparing draft project plan materials. The Conservancy will review all material submitted for accuracy and consistency with applicable statutes and regulations. The Conservancy may find an application incomplete based on an inadequate draft project plan.

*3.6. Recommendation by Executive Director.* The Executive Director will review the application, the legal and policy documents prepared under sections 3.3 and 3.4 above, and other pertinent information about the project, and determine whether to agendize the grant application for consideration by the Conservancy board. In the event that the Executive Director decides to agendize an application, he or she shall prepare a written recommendation. In the event that the Executive Director decides not to agendize an application, an applicant may appear at the Conservancy board meeting and comment on the Executive Director's decision during the public comment period.

*3.7. Staff Report and Agendizing the Grant Application for board Consideration.* Where the Executive Director has determined that an application should be agendized for consideration by the Conservancy board, Conservancy staff will prepare a staff recommendation to be signed by the Executive Director and a proposed resolution to be considered by the Conservancy board. Conservancy staff shall then agendize the grant application for consideration by the Conservancy board at a Conservancy board meeting.

*3.8. Procedure for approval by Attorney General.* All grants of bond funds require the prior approval of the Attorney General before bond funds may be encumbered. Where the Executive Director has recommended that the Conservancy approve a grant application, the Chief Staff Counsel shall forward the materials related to the grant application, including the staff recommendation, to the Attorney General for review. In any instance where the Conservancy board approves a grant prior to Attorney General review, the applicant acknowledges and agrees that any such approval is contingent on the results of the Attorney General review. In the event that the Attorney General determines that the grant would not be consistent with the applicable bond statute and/or the General Obligation Bond Law, an applicant agrees and understands that such determination shall nullify any approval by the Conservancy board. The applicant may be given the opportunity to modify the grant application in order to address any inconsistencies between the project and the bond statute and/or General Obligation Bond Law.

*3.9. Notification to proceed.* All grant materials shall state that no grantee may proceed without explicit notification from the Conservancy. The Budget and Contracts Officer will issue such notice only when approval has been given by the Attorney General with respect to bond funds, and in all cases only after approval by the Conservancy. Grants to nonprofit organizations must also be approved by the Department of General Services pursuant to Public Resources Code section 33204.2. Any work done by a grantee after the start date but prior to the notification to proceed, shall be exclusively at the risk of the grantee. There are no exceptions to this rule.

*3.10. Grant documentation and billing.* All grant documentation shall be maintained by the Budget and Contracts Officer. Each grant shall identify a Conservancy staff contact person that should be contacted when an applicant has a question about the grant. However, unless otherwise indicated, all grant payment issues shall be resolved by the Budget and Contracts Officer and all inquiries should be so directed. Grantees are referred to Exhibit B for specific instructions with respect to billings.

#### Section 4. Grant Monitoring and Audit

4.0. *Grant Monitoring.* All approved grants are subject to monitoring and audit. By submitting an application, an applicant/grantee agrees to provide reasonable access to the Conservancy for monitoring and auditing purposes. Additionally, an applicant/grantee must retain all grant application and project materials for a period of seven (7) years after the project has been certified as complete pursuant to Section 5 below. As part of the Conservancy's on-going grant monitoring, grantees are required to submit quarterly project status reports. Project status reports shall include a detailed description of the status of the project and compliance with project milestones. In addition, the Conservancy may request copies of all contracts, subcontracts, and work product. Finally, the Conservancy conducts in-house audits of a representative sample of grants on a two year cycle; by submitting an application, an applicant/grantee understands and agrees that its project may be audited as part of this audit.

#### Section 5. Final Certification and Post Grant Monitoring

5.0. *Final certification of acquisition projects.* For land acquisition projects, the Conservancy may make full payment of the grant amount into escrow, provided, however, that the grant and escrow documents shall require that the escrow agent submit a copy of the final escrow closing statement and the deed to the Chief Staff Counsel before disbursing funds to the seller. The grant file shall reflect the final certification by the Chief Staff Counsel that an acquisition has been completed.

5.1. *Final certification of non-acquisition grants.* For projects that do not involve land acquisition, prior to final payment, the Conservancy project manager for the project shall certify completion of the project. For a project that involves development, the project manager shall issue such certification only after having conducted a site visit to verify completion. For a project that involves planning and design or education and interpretation, before certifying project completion, the project manager shall personally review the planning documents or the interpretation materials and/or program results prepared by the applicant. No special form of certification is required other than the check-off or signature of the project manager.

5.2. *Post-grant monitoring.* Many grants impose ongoing, continuing responsibilities and obligations on the grantee, including, in many cases, a requirement that the applicant/grantee adequately and appropriately maintain the project. On a periodic, continuing basis, the Budget and Contracts Officer will recommend to the Executive Director a list of those grants that should be subjected to post-grant monitoring and the

Executive Director shall adopt or approve a list of grants that for post-grant monitoring. The Budget and Contracts Officer and Executive Director shall prioritize for post-grant review those projects with high dollar value grants and those with unusual or problematic implementation.

*5.3. Procedure for post-grant monitoring.* The Executive Director will determine the appropriate method of post-grant monitoring on a case by case basis. For a particular project, post-grant monitoring may include, but not be limited to, site visits, review of program materials, review of visitor satisfaction surveys, and constituent/visitor polling to ensure that the project is being implemented and grant funds are being utilized in accordance with the grant application as approved by the Conservancy. The Conservancy may charge the cost of post-grant monitoring against the bond fund from which the initial grant was made. Where site visits are required, the applicant/grantee shall be given reasonable notice (not less than 48 hours) and afforded an opportunity to accompany the Conservancy monitoring officer during the site visit.

*5.4. Report of post-grant monitoring.* For projects subjected to post-grant monitoring, a post-grant monitoring report shall be filed in the original grant file. If the monitoring officer determines that substantial deficiencies exist in the grantee's performance this fact shall be reported to the Executive Director.

*5.5. Procedure upon finding of substantial deficiency.* The Executive Director shall review any finding of substantial deficiency made by a grant monitoring officer pursuant to Sec. 5.4 and if he or she sustains such finding, then the Executive Director shall send, or cause to be sent, an "informal request for compliance" to the applicant/grantee detailing the specific deficiency(s) as identified in the post grant monitoring report and provide a schedule for the applicant/grantee to remediate the deficiency(s).

*5.6. Notice of Non-Compliance.* If the grantee has not cured the deficiency(s) identified in a post grant monitoring report within the time schedule provided by the Conservancy in the informal request for compliance, the Executive Director shall issue a Notice of Non-Compliance to the grantee. Simultaneously with such notice, the Executive Director shall agendaize action on this item at the next regular meeting of the Conservancy and shall provide notice to the Attorney General and to the grantee. The Conservancy reserves the right to take any and all available legal action against an applicant/grantee who has not cured a deficiency within the required time frame, including, without limitation, seeking available remedies through litigation.