

Agenda Item No. 6

Motion to Modify CCHE Grant Agreement for Public Agency Projects

Purpose of Motion

This Motion is to request Board consideration to modify the tenure requirement in the CCHE Grant Agreement for applicants who are going to conduct a Project on real property owned by State or local public agencies.

Proposed Language of the Motion

The California Cultural and Historical Endowment (CCHE) hereby modifies the current tenure requirement in the CCHE Grant Agreement for Round One and Round Two Projects where the applicant will be conducting a Project on real property owned by State or local public agencies.

The modification will be allowed if, based on the particular factual circumstances of an individual Project, the CCHE Board can make a finding that the proposed control and use of the public property can meet the purposes of the tenure requirement.

Those purposes are:

1. The applicant's agreement with the owner or property interest is sufficient to allow the type of use proposed.
2. The applicant's agreement with the owner or property interest is sufficient to provide stability and longevity for the Project.
3. There are no conflicting uses or legal rights that would interfere with the applicant's legal right and control to implement and/or manage the Project.
4. The applicant has a legal right to implement and/or manage the Project at the site.
5. The agreement, in the form of a lease, license or other contractual agreement, is enforceable by the Grantee, and the Grantee agrees to bring an action, if necessary, to enforce it to carry out the Project.