

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
Meeting Date **Held Until**

Agenda Item No: **Agenda Item No:**

Department:
 Sonoma County Water Agency

() 4/5 Vote Required

Contact: Michael Thompson **Phone:** (707) 521-1863 **Board Date:** 06-02-09

Deadline for Board Action:

AGENDA SHORT TITLE:
 Agreement with The Bay Institute Allowing Access to Roseland Creek Channel

REQUESTED BOARD ACTION(S):
 Authorize General Manager/Chief Engineer to execute Agreement with The Bay Institute Regarding Access to and Use of Real Property in Order to Implement a Habitat Restoration Project

CURRENT FISCAL YEAR FINANCIAL IMPACT

<u>EXPENDITURES</u>		<u>ADD'L FUNDS REQUIRING BOARD APPROVAL</u>	
Estimated Cost	\$ -0-	Contingencies	\$
		(Fund Name:)	
Amount Budgeted	\$ -0-	Unanticipated Revenue	\$
		(Source:)	
Other Avail Approp (Explain below)	\$	Other Transfer(s)	\$
		(Source:)	
Additional Requested:	\$ _____ -0-	Add'l Funds Requested:	\$ _____ -0-

Explanation (if required):

Prior Board Action(s):

Alternatives - Results of Non-Approval: The Agency would need to expend its own funds for establishing a shaded canopy and removing non-native species in the project area.

Background: Agreement on file with the Clerk.

The Bay Institute (TBI) has received a grant from the State Coastal Conservancy (Conservancy) in December, 2007 for a habitat restoration project on Roseland Creek with schools and volunteer labor. The grant agreement requires that TBI enter into an agreement with the Sonoma County Water Agency (Agency) to protect the public interest in any restoration projects implemented under the Conservancy's grant, and to ensure that the nonprofit organization has permission to implement and monitor the project. This project will assist the Agency in establishing a shaded canopy over the channel which will improve water quality and reduce the growth of undesirable invasive species such as Himalayan blackberry.

The agreement is required by the Conservancy and has a term of 20 years. The agreement can be terminated by the Agency with the consent of the Conservancy. The project will include the removal of exotic invasive species and planting of appropriate, Agency-approved plant species. The agreement allows the Agency to use the property in a manner consistent with the purposes of the grant agreement and requires that the Agency refrain from damaging or altering the restored site. The agreement also acknowledges that any activities by the Agency deemed reasonably necessary to provide flood control services shall not constitute a breach of owner's duties under this agreement, notwithstanding the impact of such activities on the project. TBI agrees to provide a complete defense for any claim or action brought against the Agency based upon a claim relating to the TBI's project.

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Attachments:

On File With Clerk: Agreement (1 Copy)

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: