

Resolution No.  
County Administration Building  
Santa Rosa, California

Date

CONCURRENT RESOLUTION OF THE BOARDS OF THE SONOMA COUNTY WATER AGENCY AND ALL SANITATION DISTRICTS AUTHORIZING THE GENERAL MANAGER/CHIEF ENGINEER, OR HIS DESIGNATED REPRESENTATIVE, TO EXECUTE AND ACCEPT PERMITS TO ENTER FOR THIRD-PARTY PROPERTY.

WHEREAS, the Sonoma County Water Agency (Agency) requires use of a portion of property owned by the Airport Business Park for parking during construction of the Agency's Airport Geoexchange Project; and

WHEREAS, the Airport Business Park has executed a Permission to Enter agreement containing certain indemnity provisions for no compensation, subject to the Agency providing proof of insurance; and

WHEREAS, the Sonoma County Risk Management Department has provided the Airport Business Park with said proof of insurance; and

WHEREAS, the Boards of Directors in Resolution No. 00-1265 on October 17, 2000 previously authorized the General Manager/Chief Engineer of the Agency to accept agreements for entry into private property for engineering and environmental studies containing such indemnity provisions; and

WHEREAS, the Agency has reviewed the Permit to Enter agreement from the Airport Business Park for temporary occupancy, and the General Manager/Chief Engineer has determined that it is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and the temporary use of an existing parking lot for parking would not result in the removal of any healthy, mature, scenic trees or result in any significant impact on plant or animal habitat; and

WHEREAS, it is in the interest of the Boards of Directors of the Sonoma County Water Agency, Occidental County Sanitation District, Russian River County Sanitation District, Sonoma Valley County Sanitation District and the South Park County Sanitation District to expand the authorization for the General Manager/Chief Engineer provided by Resolution No. 00-1265 to accept agreements for entry into private property for engineering and environmental studies to include acceptance of such agreements for any temporary occupancy required for the Agency and the Sanitation District projects.

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NOW, THEREFORE, BE IT RESOLVED that the Boards of Directors of the Sonoma County Water Agency, Occidental County Sanitation District, Russian River County Sanitation District, Sonoma Valley County Sanitation District and the South Park County Sanitation District hereby find, determine and declare as follows:

1. All of the above recitals are true and correct.
2. The General Manager/Chief Engineer, or his designated representative, is authorized to execute and accept Permit to Enter agreements including indemnity provisions containing the following standard language: "Agency/County Sanitation District shall indemnify and defend (with counsel reasonable acceptable to Grantor) and hold Grantor harmless from and against any and all claims, damages, costs, liabilities, losses, and expenses (including reasonably attorneys' fees) arising out of any entry by the Sonoma County Water Agency or its agents or contractors; provided, however, that the Agency shall have no obligation hereunder to the extent the claim, liability, or expense arises from the negligence or willful misconduct of Grantor."
3. The General Manager/Chief Engineer, or his designated representative, following consultation with and concurrence of County Counsel, is authorized to execute and accept Permit to Enter agreements including indemnity provisions containing other forms of indemnity language, provided that the provisions are no more onerous than the following: "Agency/County Sanitation District shall indemnify and defend (with counsel reasonable acceptable to Grantor) and hold Grantor harmless from and against any and all claims, damages, costs, liabilities, losses, and expenses (including reasonable attorneys' fees) arising out of any entry by Agency or its agents or contractors."
4. The authority granted by this resolution does not apply to any Right of Entry agreement for use of private property that requires compensation to the owner or that requires preparation of an environmental analysis under CEQA.
5. This resolution supersedes Resolution No. 00-1265.

DIRECTORS:

BROWN:	KERNS:	ZANE:	CARRILLO:	KELLEY:
Ayes	Noes	Absent	Abstain	

SO ORDERED.

DIRECTORS:

K. BROWN:	V. BROWN:	KELLEY:	
Ayes	Noes	Absent	Abstain

SO ORDERED.