



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Public Works  
Department No.: 054  
For Agenda Of: October 23, 2007  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
Board of Directors, Flood Control and Water Conservation District

**FROM:** Department Scott McGolpin, Director; Public Works Department  
Director(s) 568-3010  
Contact Info: Tom Fayram; Deputy Director 568-3436  
Flood Control and Water Conservation District

**SUBJECT: Secondary Use Agreement with the City of Carpinteria;  
First Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Recommended Actions:**

Approve and authorize the Chair of the Board of Supervisors and the Board of Directors to execute the "Real Property Agreement; Secondary Use of Flood Control Land" with the City of Carpinteria, regarding a portion of County/ District owned land known as APN 001-070-036.

**Summary Text:**

The City of Carpinteria plans to develop a vacant parcel of land it owns into a park. That parcel is adjacent to the above referenced County owned parcel (the "Property") which is the subject of the Real Property Agreement; Secondary Use of Flood Control Land (the "Agreement"). If approved the Agreement will allow the City to install and maintain a bike and pedestrian path across a portion of the County Property to serve the new City park. Also per the Agreement the City of Carpinteria agrees to defend and indemnify the District against claims associated with public use of the path. The location of the County Property and the pedestrian path are shown on Exhibit "A" attached to the Agreement. The District has reviewed the City's plans and has determined that installation of the pedestrian path will not impact their operations in or around the County owned Property.

Approval of the Agreement by the City of Carpinteria and your Board is necessary to comply with the District's Secondary Use Policy.

**Background:**

The District and the County purchased the Property to gain access to Carpinteria Creek for maintenance as needed. The City obtained ownership of the adjacent parcel in 1966. It has remained undeveloped and unused since that time. The City has plans and funding to construct the "Carpinteria Creek Park" on its property so that it may be used by the public.

At its regularly scheduled meeting of August 6, 2007 the Carpinteria Planning Commission ruled that the installation of the proposed park is in compliance with applicable CEQA guidelines and that the County action of executing the Agreement was in compliance with the City's adopted General Plan.

On July 7, 1998, the Board of Supervisors adopted Resolution No. 98-266 that established a policy entitled "A Policy for Secondary Uses of Flood Control and Water Conservation Facilities for Bikeway and Recreational Purposes." That policy allows for the secondary use of flood control facilities. Execution of the Agreement indemnifies the District from any and all liability associated with secondary uses of the flood control facilities.

**Performance Measure:**

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

Narrative: There are no fiscal impacts associated with this action. The Agreement indemnifies the Flood Control District from any and all liability associated with the proposed secondary use of the Property. Real Property staff time needed to complete this project was paid for by the City of Carpinteria.

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:** After Board action, distribute as follows:

- |    |                       |   |
|----|-----------------------|---|
| 1. | Original Document     | Clerk of the Board Files                      |
| 2. | Certified Copy        | Public Works, Attn: Jeff Havlik               |
| 3. | Copy of the Agreement | Flood Control District, Attn: Christina Lopez |
| 3. | Minute Order          | Public Works, Attn: Jeff Havlik               |
| 4. | Minute Order          | Flood Control District, Attn: Christina Lopez |

**NOTE:** Real Property will mail the certified copy of the Agreement to the City of Carpinteria.

**Attachments:**

Real Property Agreement; Secondary Use of Flood Control Land with exhibit.

**Authored by:**

J. Jeffery Havlik, SR/WA  
Public Works

**cc:** Jon Frye; Flood Control