

**A RESOLUTION OF
THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AND THE
BOARD OF DIRECTORS OF THE SANTA BARBARA COUNTY FLOOD CONTROL &
WATER CONSERVATION DISTRICT**

In the Matter of Adopting a Policy Entitled)
"A Policy for Secondary Uses of Flood Control and)
Water Conservation Facilities for Bikeway,) Resolution No. _____
Recreation, and other Beneficial Purposes")

Whereas, on July 7, 1998, the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District (District) adopted a resolution establishing a policy for secondary uses of Flood Control property for bikeway and recreational purposes, and

Whereas, since that time, there has been an increased interest in other beneficial uses that are in the public interest beyond recreational uses including: water quality, water supply, environmental enhancements projects, or other beneficial public uses, and

Whereas, adopting this resolution and revised Policy will retain the provisions of the original Resolution and Policy including continued uninhibited operation of flood control facilities, indemnification and liability protection to the County of Santa Barbara (County) and the District, and cost recovery for any costs associated with the secondary use, and

Whereas, the revised Policy will retain the County and District's full control over its facilities and retains sole rights to not approve or approve with conditions, any such second uses proposed by another public agency, and,

Whereas, the County and the District may be agreeable to other public benefit uses on County or District properties provided that the primary use of the property is for flood control purposes and as such the flood control function is not affected.

Now therefore be it resolved, by the Board of Supervisors of the County of Santa Barbara and the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District, as follows:

1. That Resolution No. 98-866 of the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District dated July 7, 1998, is hereby rescinded; and
2. That a revised Policy is adopted entitled "A Policy for Secondary Uses of Flood Control and Water Conservation Facilities for Bikeway, Recreation, and other Beneficial Public Uses" for secondary use of properties originally constructed or used primarily for flood control purposes attached hereto as Exhibit A and incorporated herein by reference.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara and the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District, State of California, this _____ day of _____ 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

In the Matter of Adopting a Policy Entitled
"A Policy for Secondary Uses of Flood Control and
Water Conservation Facilities for Bikeway,
Recreation, and other Beneficial Purposes"
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COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
Clerk of the Board of Supervisors

ACCEPTED AND AGREED:
County of Santa Barbara

By: _____
Deputy

By: _____
Joan Hartmann,
Chair, Board of Supervisors

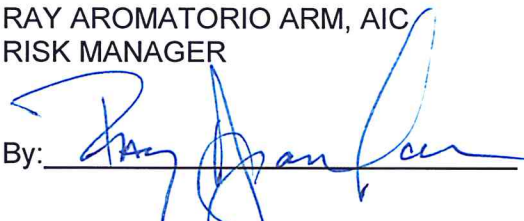
APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By:  _____
Deputy County Counsel

APPROVED AS TO FORM:
THEODORE A. FALLATI, CPA
AUDITOR-CONTROLLER

By:  _____
Deputy

APPROVED AS TO FORM:
RAY AROMATORIO ARM, AIC
RISK MANAGER

By:  _____

SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

ATTEST:


MONA MIYASATO
COUNTY EXECUTIVE OFFICER
Ex Officio Clerk of the Board of the
Santa Barbara County Flood Control
And Water Conservation District

ACCEPTED AND AGREED:
Santa Barbara County Flood Control
and Water Conservation District


By: _____
Deputy

By: _____
Joan Hartmann,
Chair, Board of Directors

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By:  _____
Deputy County Counsel

APPROVED AS TO FORM:
THEODORE A. FALLATI, CPA
AUDITOR-CONTROLLER

By:  _____
Deputy

APPROVED AS TO FORM:
RAY AROMATORIO ARM, AIC
RISK MANAGER

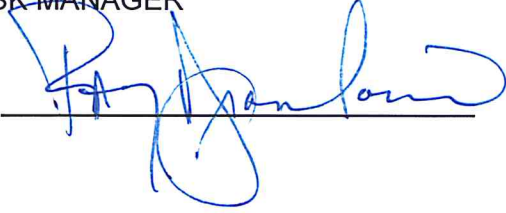
By:  _____

EXHIBIT A

“A POLICY FOR SECONDARY USES OF FLOOD CONTROL AND WATER CONSERVATION FACILITIES FOR BIKEWAY, RECREATION, AND OTHER BENEFICIAL PURPOSES”

BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AND THE BOARD OF DIRECTORS OF THE SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

In order to maximize the public benefit and public convenience, it is the policy of the County of Santa Barbara (County) and the Santa Barbara County Flood Control and Water Conservation District (District) to encourage the use of real property and rights-of-way that are used primarily for flood control and water conservation purposes for secondary recreation, bikeway, trail, and other beneficial uses that are in the public’s interest by other public agencies. To this end, the County and /or District may license or permit public agencies to use such real property and rights-of-way for development and use for bicycle, hiking and riding trails, park and recreation purposes, and other beneficial uses in the public’s interest under the following criteria and conditions:

1. A public agency empowered to engage in and finance the construction and maintenance of secondary uses shall enter into a formal written agreement with the County and/or District regarding such use. The County and/or District reserve the right to deny such use at its sole discretion. The public agency shall pay all County and/or District costs for developing such an agreement.
2. The public agency’s use shall not conflict with the County and/or District’s use of its rights-of-way, which is primarily for flood control purposes. All other uses shall be subordinate to flood control purposes. The public agency shall compensate the County and/or District for any increased costs and/or decreases in revenues associated with any granted secondary uses.
3. Joint use of County and/or District fee property and/or right-of-way is limited to those uses and locations that are compatible with County and/or District operation and maintenance activities.
4. The cost of any improvements and associated maintenance necessary to accommodate the public agency’s use shall be borne by that agency. Such improvements and maintenance activities shall be designed and carried out in accordance with County and/or District standards subject to County and/or District approval. Such maintenance activities shall include but not limited to pollution control, litter, and graffiti abatement.
5. The public agency shall establish rules and regulations for public use of the County and/or District’s rights-of-way. Such rules and regulations shall be subject to County’s and/or District’s approval.

6. Where the County and/or District's interest in its right-of-way is less than fee ownership, the public agency shall secure written permission from the fee owner for its intended use.
7. The public agency shall secure all other required permits for the intended use from any other agencies having jurisdiction. Any and all conditions of such permits which may affect the County and/or District's property shall be approved by the County and/or District.
8. Any changes to County and/or District facilities necessary to accommodate the public agency's use shall be made, and any damage to County and /or District facilities arising from the public agency's use shall be repaired forthwith, at the public agency's sole expense after obtaining prior written approval from the County and/or District with respect to their facilities.
9. The County and/or District shall not be liable for any damage to improvements made by the public agency which arise from the County and/or District's use of its rights-of-way for flood control purposes, including changes which the County and/or District may make to its facilities.
10. The County and/or District shall not be liable for any injury or damage to persons or property arising out of the use of its rights-of-way for secondary uses.
11. The public agency shall defend, indemnify, and hold harmless the County and/or District against any and all claims or lawsuits arising out of or connected with the use of the County and/or District's rights-of-way for secondary uses. Such indemnification language in the agreement shall be in a form acceptable to County Counsel and the County's Risk Manager.
12. All proposed uses are subject to approval by the County and/or District and must be compatible with the use and maintenance needs of the County and/or District.
13. If secondary use facilities are planned along a flood control facility constructed by, or in cooperation with a federal agency, the public agency must receive approval from the federal agency in addition to the County and/or District. Federal requirements may specify whether a license or permit will be issued. The public agency must comply with all federal regulations and requirements.
14. Only approved uses will be granted a license or permit for the use. The County and/or District reserves the right to suspend or revoke a license or permit if, in the County and/or District's sole opinion, the permitted activities become incompatible with County and/or District activities or if the interests of the County and/or District should so require.
15. County's agreement to allow the use of its real property and/or rights-of-way pursuant to this policy shall be subject to and pursuant to the authority provided in County Code Section 12A-10.1.