

EXHIBIT A

"A POLICY FOR SECONDARY USES OF FLOOD CONTROL AND WATER CONSERVATION FACILITIES FOR BIKEWAY, AND 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) ~~that the secondary use of Flood Control to encourage the use of real property and rights-of-way that are used primarily for flood control and water conservation purposes for secondary for recreational, and bikeway, trail, and other beneficial uses that are in the public's interest purposes by other public agencies shall be encouraged.~~ To this end, the ~~District~~ County and /or District may license or permit public agencies to use such real property and of a rights-of-way for development and use for bicycle, hiking and riding trails, ~~and other 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 proposed park and/or recreation use shall enter into a formal written agreement with the County and/or District regarding such use. The County and/or District reserves 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's 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 are 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 any pollution control, litter, and graffiti abatement.
5. The public agency shall establish rules and regulations for public use of the County's 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's 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's 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 ~~park and recreation purposes~~ 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's and/or District's rights-of-way for ~~park, recreation, or other secondary~~ uses. Such indemnification language in the agreement shall be in a form acceptable to County Counsel and the County's Risk Management 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. ~~Recreational~~ If S secondary use facilities are planned along a flood control facility ~~either~~ 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.
- 14.15. 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.

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