

10/14/08

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: 10/14/08  
Placement: Administrative  
Estimated Tme: N/A  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Directors, Flood Control and Water Conservation District  
**FROM:** Department Scott McGolpin, Public Works Director, 568-3010  
Director(s)  
Contact Info: Tom Fayram; Deputy Public Works Director, 568-3436  
**SUBJECT: Secondary Use Agreement along Franklin Channel 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 to execute the "Real Property Agreement; Secondary Use of Flood Control Land" with the City of Carpinteria, regarding a portion of Franklin Channel located on APN 004-011-044.

**Summary Text:**

M. Timm Construction is building homes on a parcel of land located adjacent to Franklin Channel (herein the "Channel") which Channel is owned in fee by the Santa Barbara County Flood Control and Water Conservation District (herein the "District"). The City of Carpinteria required the developer to install a pedestrian bridge across the Channel as a condition of construction approval for the above referenced homes. If approved the Real Property Agreement; Secondary Use of Flood Control Land (herein the "Agreement") will allow the installation of the bridge, indemnifies the District for use of the bridge, and acknowledges that the City of Carpinteria will be responsible for inspection and maintenance of the bridge. The location of the Channel and the pedestrian bridge are shown on Exhibit "A" attached to the Agreement.

The District has reviewed the developer's plans and has determined that installation of the pedestrian bridge will not impact their operations in or around the Channel. The Natural Resource Conservation Service also reviewed and approved the bridge plans.

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

**Background:**

Franklin Channel was constructed in the 1970s after the Romero Fire by the United States Department of Agriculture, Natural Resource Conservation Service ("NRCS") as part of the Carpinteria Valley Watershed Protection Plan. Franklin Channel is one of several flood control projects built by the NRCS which are now owned and operated by the Flood Control District.

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.

The District reviewed and approved plans for the pedestrian bridge prepared by Studio Engineering, Inc. and dated August 11, 2008.

**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 this facility. Real Property staff time needed to complete this project was paid for by the developer.

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

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

- |    |                       |   |
|----|-----------------------|---|
| 1. | Original Document     | Clerk of the Board Files                      |
| 2. | Duplicate Original    | 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 duplicate original 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