



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:**  
**Department No.:** 054  
**For Agenda Of:** May 6, 2014  
**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  
Board of Directors, Santa Barbara County Water Agency  
Board of Directors, Laguna County Sanitation District

**FROM:** Department Director Scott D. McGolpin, Director of the Public Works Department:  
568-3010  
Contact Info: Thomas D. Fayram; Deputy Director, Public Works 568-3436  
Chris Sneddon, Deputy Director, Public Works 568-3064

**SUBJECT: Modifications to Temporary Entry Permits and Confirmation of Nominal Value  
All Supervisorial Districts**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Adopt the attached Resolution thereby modifying the County's Temporary Entry Permits and Right of Entry Agreements, and confirming the Public Works Nominal Value limits and policy; and
- B. Find that the proposed action is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5), and approve the filing of the attached Notice of Exemption on that basis.

That the Board of Directors, Flood Control and Water Conservation District:

- A. Adopt the attached Resolution thereby modifying the District's Temporary Entry Permits and Right of Entry Agreements, and confirming the Public Works Nominal Value limits and policy; and
- B. Find that the proposed action is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5), and approve the filing of the attached Notice of Exemption on that basis.

That the Board of Directors, Santa Barbara County Water Agency:

- A. Adopt the attached Resolution thereby approving the Agency's Temporary Entry Permits and Right of Entry Agreements, and confirming the Public Works Nominal Value limits and policy; and
- B. Find that the proposed action is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5), and approve the filing of the attached Notice of Exemption on that basis.

That the Board of Directors, Laguna County Sanitation District:

- A. Adopt the attached Resolution thereby modifying the District's Temporary Entry Permits and Right of Entry Agreements, and confirming the Public Works Nominal Value limits and policy; and
- B. Find that the proposed action is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5), and approve the filing of the attached Notice of Exemption on that basis.

**Summary Text:**

Except for certain exempt categories of projects, the County compensates property owners for the conveyance of rights of access to property required in connection with County projects.

On October 5, 2004, the Boards adopted Resolution No. 04-280 establishing a nominal value of Five Hundred Dollars (\$500.00) for the conveyance of temporary real property rights to the County via Temporary Entry Permits and Temporary Right of Entry Agreements, and authorized the Director of Public Works to approve administrative settlements for those licenses up to Two Thousand Five Hundred Dollars (\$2,500.00) when such rights have been assessed or appraised at nominal value. The attached Resolution confirms those dollar figures and policy. In addition, Caltrans currently assigns a value of \$500.00 to property rights of nominal value; and for the purposes of reimbursement will recognize nominal value as assessed by agencies up to \$2,500.00.

The Boards authorized the Director of the Public Works Department to execute Temporary Entry Permits and Temporary Right of Entry Agreements on February 13, 1996 (Clerk of the Board File No. 96-19,965), and again on October 5, 2004 (File No. 04-00952). The Department of Public Works desires to amend and standardize those agreements.

The Temporary Entry Permit calls for a nominal cash payment to the property owner. Under the Temporary Right of Entry Agreement, owners are compensated via the installation of improvements, which benefit the owner's property at the County's expense.

**Background:**

The existing Temporary Entry Permit and Temporary Right of Entry Agreement licenses (the "Approved Entry Permits") were last approved by the listed Boards in 2004. Public Works would like to add the Water Agency to the group of Divisions using the Approved Entry Permits, expand on the indemnification language, and generally conform those licenses to current standards.

Public Works recognizes that changes to the terms of such Approved Entry Permits may be required by property owners and/or their legal counsel. In addition, Public Works may at times perform work at a property owner’s request, which would make monetary compensation and indemnification of the property owner inappropriate, in which case Public Works may want to omit the compensation and indemnification of owner clauses from the Approved Entry Permits.

Public Works desires to streamline the process of execution of the Approved Entry Permits by authorizing the Director of Public Works, or designee, to execute those Approved Entry Permits that have been modified at the request of either a property owner or Public Works, provided that such modifications are minor in nature. The subject Resolution grants Public Works the authority to make such minor changes.

Certain surveying work may occur without compensation to property owners, Temporary Entry Permit or other agreement pursuant to Civil Code Section 846.5(a). Certain Flood Control and Water Agency work may occur without consideration to property owners, Temporary Entry Permit or other agreement pursuant to authorities granted in the Flood Control and Water Conservation District’s enabling legislation in the California Water Code. Finally, certain work by the Resource Recovery and Waste Management Department, Laguna County Sanitation District and other Public Works districts and departments, such as inspections that relate to public health and safety, may occur without consideration to property owners, Temporary Entry Permit or other agreement pursuant to laws and statutes such as County Code Sections 29-35, 34A-10 and 34B-25.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

There are no Facilities impacts associated with the requested actions. Fiscal impacts include the compensation to property owners of \$500.00 and up to \$2,500.00, or the installation of minor improvements which benefit the property owner and are installed on the owner’s property at the County’s cost. Those costs are normally assigned to the affected Public Works project. The majority of these costs are normally reimbursed by Federal and State agencies.

**Special Instructions:** After Board action request the Clerk of the Board to distribute documents as follows:

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| 1. Copy of Resolution and Minute Order | Public Works, Attn: Jeff Havlik              |
| 2. Copy of Resolution, Minute Order    | Transportation Division, Attn: Chris Sneddon |
| 3. Copy of Resolution, Minute Order    | Flood Control, Attn: Tom Fayram              |
| 4. Copy of Resolution, Minute Order    | Water Agency, Attn: Tom Fayram               |
| 5. Copy of Resolution, Minute Order    | Resource Recovery, Attn: Mark Schleich       |
| 6. Copy of Resolution, Minute Order    | LCSD, Attn: Marty Wilder                     |

**Attachments:**

1. Resolution modifying the County’s Temporary Entry Permit and Right of Entry Agreements for use by Public Works, and confirming the nominal value limits previously adopted by the County.
2. Notice of Exemption

**Authored by:**

JJH