



**RESOURCE MANAGEMENT  
AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** June 2, 2009

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						

CONTACT PERSON: Celeste Perez PHONE: (559) 733-6291

**SUBJECT:** Third Amendment to Joint Powers Agreement for the Enlargement of Lake Kaweah

**REQUEST(S):**

That the Board of Supervisors:

1. Approve the Third Amendment to the Amended and Restated Local Joint Powers Agreement for the Lake Kaweah Enlargement Project (Tulare County Agreement Number 20766); and
2. Authorize the Chairman to sign the amendment to the agreement.

**SUMMARY:**

On June 26, 2001, the Board of Supervisors approved the *Amended and Restated Local Joint Powers Agreement for the Lake Kaweah Enlargement Project* (Resolution No. 2001-0498, Tulare County Agreement No. 20766) (Agreement). The Agreement, by and between the Kaweah Delta Water Conservation District (KDWCD), city of Visalia (Visalia) county of Kings (Kings) and the Tulare Lake Basin Water Storage District (TLBWSD) (Local Sponsors) provided for the cooperation of the Local Sponsors to increase the height of the spillway at Terminus Dam thereby enlarging Lake Kaweah (Project). The Agreement was later amended by the First Amendment on November 25, 2003 (Resolution No. 2003-0889, Tulare County Agreement No. 20766A) and by the Second Amendment on August 17, 2004 (Resolution 2004-0653, Tulare County Agreement No. 20766B). Both Amendments addressed advance funding for the Project.

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**DATE:** June 2, 2009

The Project is now complete. The KDWCD has proposed and the Army Corps of Engineers has agreed upon clarifying language regarding the Agricultural Water Supply Storage Space and there is an additional \$638,505.37 reimbursement that is due from the federal government to the Local Sponsors. However, the Army Corps of Engineers cannot make this reimbursement payment to the Local Sponsors without amending the *Project Cooperation Agreement Between the Department of the Army and the State of California, Central Valley Flood Protection Board and Kaweah Delta Water Conservation District for Construction of the Terminus Dam, Kaweah River, California Flood Control Project and Water Supply agreement (PCA)*. The KDWCD is the sole Local Sponsor that signed the PCA. The execution of the Agreement by the Local Sponsors will allow the KDWCD to execute the amendment to the PCA and allow the Army Corps of Engineers to make payment to the KDWCD subject to the federal budget. Once payment is received from the Army Corps of Engineers, the KDWCD will distribute any reimbursement due the Local Sponsors based upon previously agreed upon contribution factors.

Staff recommends that the Board approve the *Amended and Restated Local Joint Powers Agreement for the Lake Kaweah Enlargement* and authorize the Chairman to sign the Agreement.

**FISCAL IMPACT/FINANCING:**

There is no net County Cost to the General Fund. The Tulare County Flood Control Fund has made the County's contribution to this project. The balance of the funding for the Lake Kaweah Enlargement Project was from the federal government (United States Army Corps of Engineers), state of California and the local participants to include the Kaweah Delta Water Conservation District, city of Visalia, county of Kings and the Tulare Lake Basin Water Storage District. Tulare County's share of the local funding for the Project is 12%.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

**Economic Well-Being.** By being able to impound additional water in Lake Kaweah additional water is available for agricultural purposes in both Tulare and Kings Counties providing for additional economic development opportunities.

**Quality of Life.** By being able to impound additional water in Lake Kaweah we are able to better preserve and use a natural resource—water.

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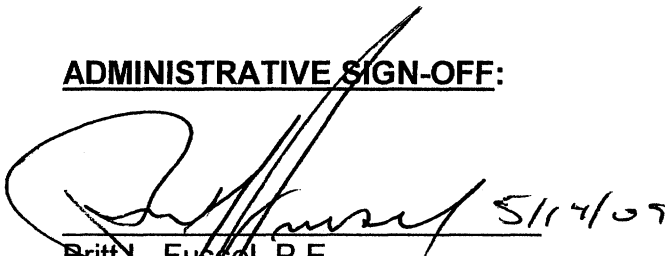
**ALTERNATIVES:**

There are no alternative to this action. This amendment to the agreement must be executed to allow the Kaweah Delta Water Conservation District to execute the Project Cooperation Agreement with the Department of the Army and the State of California Central Valley Flood Protection Board in order to obtain reimbursement from the Army Corps of Engineers.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

County Counsel has reviewed and approved the Amendment to the Agreement as to form. The Kaweah Delta Water Conservation District, city of Visalia, county of Kings and the Tulare Lake Basin Water Storage District are all parties to the agreement.

**ADMINISTRATIVE SIGN-OFF:**

  
Britt L. Fussel, P.E.  
Assistant Director—Engineering  
County Surveyor

cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)

Attachment(s) Third Amendment to Agreement

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF THIRD )  
AMENDMENT TO JOINT POWERS ) RESOLUTION NO. \_\_\_\_\_  
AGREEMENT FOR THE ) AGREEMENT NO. \_\_\_\_\_  
ENLARGEMENT OF LAKE KAWEAH )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 2, 2009, BY  
THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JEAN M. ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Approved the Third Amendment to the Amended and Restated Local Joint Powers Agreement for the Lake Kaweah Enlargement Project (Tulare County Agreement Number 20766); and
2. Authorized the Chairman to sign the amendment to the agreement.