



**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: March 23, 2010

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) 624-7010						

SUBJECT: Cross Valley Canal Lead Agency Agreement

REQUEST(S):

That the Board of Supervisors:

1. Ratify and approve the *Agreement regarding California Environmental Quality Act Review For Cross Valley Canal Contractors' Contracts For Renewal Of Central Valley Project Water Supply And Conveyance Through State Facilities* between Tulare County and Lower Tule River Irrigation District, Pixley Irrigation District, Hills Valley Irrigation District, Tri-Valley Water District, Kern-Tulare Water District, the County of Fresno and the California Department of Water Resources;
2. Find that the Board had authority to enter into the Agreement at the time it was originally proposed and prepared and that it was in the County's best interest to enter into the Agreement at that time; and
3. Authorize the Chairman to execute, on the behalf of the County, the Agreement.

SUMMARY:

The Cross Valley Canal (CVC) contractors are in the process of negotiating a new long-term contract with the Bureau of Reclamation and the state of California for water taken from the Central Valley Project. The original long-term contract expired in 1995 and the CVC contractors have been operating under interim renewal agreements ever since (the Board approved Interim Renewal Contract Number 13 on March 2, 2010, Tulare County Agreement Number 24443).

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The negotiation of a new long-term contract is considered a project pursuant to the California Environmental Quality Act (CEQA). The California Environmental Quality Act requires the designation of a lead agency which is the public agency which has the principal responsibility of carrying out the project. The CEQA guidelines identify that where two or more public agencies have a substantial claim to be the lead agency, the public agencies may, by agreement, designate one public agency as the lead agency for the purposes of CEQA. The CVC contractors and the Department of Water Resources (DWR) have agreed that the Lower Tule River Irrigation District (LTRID) will serve as lead agency for the purposes of CEQA. All of the other CVC contractors and DWR will serve as responsible agencies.

The Indemnity Section 6(a) identifies that the CVC contractors shall jointly and severally indemnify and hold LTRID harmless and the obligation of each CVC contractor is limited to its pro-rata share of the total contracted water amounts. Section 6(b), wherein the CVC contractors indemnify DWR, does not include the same pro-rata share language. Historically, it has always been the practice, and is the intent, to share any costs associated with the CVC contract on a pro-rata share basis based on the amount of water contracted by each agency.

Work has been performed covered by this Agreement prior to the final execution. This is a result of the need to keep the process moving while at the same time securing the approval by multiple public agencies including two (2) counties. As such, the Board will need to ratify and approve the Agreement and find that they had the authority to enter into the Agreement at the time that they were originally prepared.

FISCAL IMPACT/FINANCING:

There will no net County cost to the General Fund. All cost associated with the Cross Valley Canal program are charged back to the ten (10) sub-contractors under contract with the County for Cross Valley Canal water.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Economic well being. The approval of this Agreement will promote economic development opportunities in the County.

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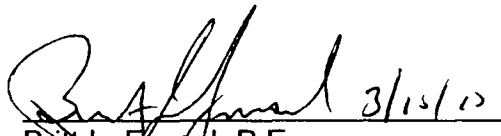
ALTERNATIVES:

There are no alternatives. This Agreement is necessary to complete the CEQA work for the development of a new long-term contract with the federal and state governments to obtain water from the Cross Valley Canal for the County's 10 sub-contractors.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has reviewed the Agreement and has approved it as to form. In addition to Tulare County, Lower Tule River Irrigation District, Pixley Irrigation District, Hills Valley Irrigation District, Tri-Valley Water District, Kern-Tulare Water District, the County of Fresno and the California Department of Water Resources are parties to the Agreement.

ADMINISTRATIVE SIGN-OFF:


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

BF:

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

Attachment(s) Agreement regarding California Environmental Quality Act Review For Cross Valley Canal Contractors' Contracts For Renewal Of Central Valley Project Water Supply And Conveyance

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

IN THE MATTER OF CROSS VALLEY CANAL) RESOLUTION NO. _____
LEAD AGENCY AGREEMENT) AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD MARCH 23, 2010, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

1. Ratified and approved the *Agreement regarding California Environmental Quality Act Review For Cross Valley Canal Contractors' Contracts For Renewal Of Central Valley Project Water Supply And Conveyance Through State Facilities* between Tulare County and Lower Tule River Irrigation District, Pixley Irrigation District, Hills Valley Irrigation District, Tri-Valley Water District, Kern-Tulare Water District, the County of Fresno and the California Department of Water Resources;
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