



To: Board of Supervisors
From: Julia R. Bueren
Date: December 17, 2013

Contra
Costa
County

Subject: Agreement between Contra Costa County and the Town of Moraga for land surveying services

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute an agreement between Contra Costa County and the Town of Moraga to provide map checking, right-of-way engineering and professional land surveying services to the Town of Moraga for a one-year term beginning December 17, 2013, with automatic annual renewals thereafter, unless otherwise terminated by either party, Moraga area. (District II)

FISCAL IMPACT:

The Town of Moraga will pay for actual costs for Public Works Department staff for the requested services.

BACKGROUND:

Government Code Sections 66410 through 66499.38, also known as the Subdivision Map Act, and specifically Sections 66422 (final maps) and 66450 (parcel maps), requires the City [Town] Engineer to, among other things, state that he or she is satisfied that the map is technically correct. This statement can only be certified by a Licensed Land Surveyor pursuant to the Professional Land Surveyors Act, or a registered civil engineer authorized to practice land surveying (pre-1982 Licensed Civil Engineer) pursuant to the Professional Engineers

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 12/17/2013 APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES 5 NOES _____
ABSENT _____ ABSTAIN _____
RECUSE _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 17, 2013

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: J. Stein (925) 313-2343

By: Stacey M. Boyd, Deputy

BACKGROUND: (CONT'D)

Act.

Per the Subdivision Map Act, the Town Engineer can delegate the land surveying functions to a person authorized (licensed) to practice land surveying. This typically occurs when the Town Engineer is not a licensed land surveyor or authorized to practice land surveying. This delegation of duties shall be described and authorized by the corresponding board or authority [Town Council].

There is currently no individual on staff at the Town of Moraga who possesses either registration as a Civil Engineer prior to January 1, 1982 or, as a Land Surveyor; therefore, staff cannot certify all required aspects of a final map or parcel map in accordance with the Subdivision Map Act. With so few subdivisions occurring in the Town of Moraga per year, this has not presented a problem in the past, however, there are several subdivisions that will potentially require map checking services this year.

The County Surveyor of Contra Costa County is staffed to review final and parcel maps throughout the unincorporated areas of the County and is willing to perform the same services on a contracted as-needed basis to the Town of Moraga. The contract renews automatically from year to year, unless either the Town or the County terminates it by giving thirty (30) days written notice. Under the contract, the Town and the County each agrees to indemnify the other for claims arising out of each party's negligence or willful misconduct.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors does not approve this contract, the Department will be unable to assist the Town of Moraga with their subdivision approval processing and the Town would have to hire private consultants to perform these services.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Authorizing the Town Manager to)
Execute an Amendment to the)
Agreement Between Contra Costa)
County and Town of Moraga for Land)
Surveying Services to Include Real)
Property Services in a Form Approved by)
the Town Manager and Town Attorney)

Resolution No. 97 - 2015

WHEREAS, there is currently no individual on Town staff who is licensed or authorized to practice land surveying in the State of California; and

WHEREAS, on November 13, 2013 Town Council approved and authorized the Town Manager to execute an agreement with Contra Costa County Public Works Department for land surveying services; and

WHEREAS, on December 17, 2013, the Contra Costa County Board of Supervisors approved and authorized the County Public Works Director to execute an agreement with the Town of Moraga to provide map checking, right of way engineering, and professional land surveying services; and

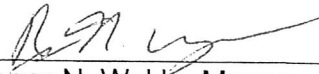
WHEREAS, the Town and County desire to amend the agreement to include real property services; and

WHEREAS, the County Public Works Department has the staff and experience to provide these additional services to the Town.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Moraga does hereby approve an amendment to the Agreement Between Contra Costa County and Town of Moraga for Land Surveying Services to incorporate real property services and directs the Town Manager to execute the amendment on behalf of the Town of Moraga in a form approved by the Town Manager and Town Attorney.

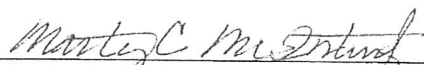
PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on December 9, 2015 by the following vote:

- AYES:** Mayor Wykle, Vice Mayor Metcalf, Councilmembers Arth, Onoda and Trotter
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None



Roger N. Wykle, Mayor

Attest:



Marty C. McInturf, Town Clerk