



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: July 12, 2016

Subject: Approval of Grant Agreement with California Department of Water Resources and American Rivers, Inc. for Three Creeks Restoration Project, District III

RECOMMENDATION(S):

1. APPROVE and AUTHORIZE the Chief Engineer of the Contra Costa County Flood Control and Water Conservation District (District), to execute a Grant Agreement, by and among the District, California Department of Water Resources (DWR) and American Rivers, Inc., (American Rivers) to fund the Three Creeks Restoration Project (Project), Brentwood area. (Project #7521-6D8176)

2. AUTHORIZE the District Chief Engineer to approve minor amendments to the Grant Agreement as may be necessary during the course of the Project, as described below.

FISCAL IMPACT:

Subject to conditions set forth in the Grant Agreement, DWR will provide up to \$744,404 toward the estimated total Project cost of \$2,738,954 and the District will provide an additional \$25,000 from Zone 1 funds in the form of staff costs. Funds to pay the remaining Project costs will be provided by private organizations.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/12/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: John Gioia, District I
Supervisor

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: July 12, 2016

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

By: June McHuen, Deputy

Contact: Tim Jensen, (925)
313-2390

BACKGROUND:

On December 16, 2014, the Board approved a grant application to the DWR Urban Streams Restoration Program to widen a portion of the Marsh Creek flood control channel and enhance the habitat values at the reach between the Union Pacific Railroad to the confluence with Sand Creek. The District and American Rivers were co-applicants, American Rivers being the Project sponsor and the District the co-sponsor. DWR approved the grant application. This Grant Agreement is required as a condition of disbursement of the grant funds.

In the Grant Agreement, the District and American Rivers are described as a single grantee, with shared responsibilities. For this reason, a separate agreement between the District and American Rivers will be necessary to assign their obligations under the Grant Agreement. All of these obligations are conditioned upon District's completion of an environmental review of the Project under the California Environmental Quality Act and upon approval of the Project by the Board. The Board retains full discretion whether to approve the Project. District staff anticipates returning to the Board at the end of this year after the CEQA review is complete. At that time, the Board will have an opportunity to consider whether to approve the Project and approve a separate agreement with American Rivers.

The second recommendation above expands upon Paragraph 5 of Resolution 2014/458, adopted by the Board on December 16, 2014. Paragraph 5 appointed the Chief Engineer as agent to execute documents necessary for Project completion. Staff recommends that the Chief Engineer be authorized to also approve minor amendments to the Grant Agreement without further Board action. Minor amendments are defined as any of the following: (1) line item budget adjustments up to 20 percent of the original amount, (2) Project schedule changes, (3) revisions to the Project term, and (4) changes in Project report submittal requirements.

CONSEQUENCE OF NEGATIVE ACTION:

If the Grant Agreement is not approved and executed, state funding for this Project will not be provided.

ATTACHMENTS

Draft Agreement