



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
 From: Brian M. Balbas, Public Works Director/Chief Engineer
 Date: November 5, 2019

Subject: Amendment 3 to Agreement with City of Brentwood, for Drainage Area Fee Collection. Project No. 7562-6D8749

RECOMMENDATION(S):

As the governing body of the Contra Costa County Flood Control and Water Conservation District (Flood Control District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute the third amendment to the drainage fee collection, right of way, and maintenance agreement, with the City of Brentwood (City), effective November 5, 2019, related to Drainage Areas (DAs) 104, 105, 106, 109, and 130 in the Brentwood area.

FISCAL IMPACT:

Amendment 3 to the DA Fee Collection Agreement replaces DAs 104, 105, and 106 with DA 130, and DA 109 is being added. There are no fiscal impacts identified as part of Amendment 3.

BACKGROUND:

On April 14, 1992, the Board approved an agreement between the Flood Control District and the City for the collection of drainage fees on behalf of the Flood Control District. The drainage area agreement also identified drainage facility ownership and specified maintenance responsibilities.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/05/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
 Candace Andersen, District II Supervisor
 Diane Burgis, District III Supervisor
 Karen Mitchoff, District IV Supervisor
 Federal D. Glover, District V 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: November 5, 2019

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

By: Stacey M. Boyd, Deputy

Contact: Teri E. Rie, (925)
 313-2363

In 1994, the Flood Control District's Board of Directors adopted Resolution No. 94/634 to establish DA 109, and it adopted Ordinance 94/75 establishing fees for DA 109. Lands within the City are within DA

BACKGROUND: (CONT'D)

109. On September 11, 2007, the Flood Control District's Board of Directors adopted Resolution No. 2007/493 ordering the establishment of DA 130, which replaced DAs 104, 105, and 106 within the City. However, the drainage area agreement between the Flood Control District and the City was not previously amended to incorporate the addition of DA 109 or to reflect that DA 130 replaced DAs 104, 105, and 106.

Since DA 109 and 130 were formed, the City has been collecting drainage area fees within those drainage areas and transmitting those fees to the Flood Control District in accordance with the terms of the drainage area agreement. This third amendment to the drainage area agreement with the City will ratify those fee collection activities, add DA 109 to the agreement and reflect that DA 130 replaced DAs 104, 105, and 106. All other terms of the drainage area agreement, as previously amended, will remain unchanged.

Staff recommends approving this amendment to ensure that drainage area fees are correctly imposed and collected within the appropriate drainage areas in the City.

CONSEQUENCE OF NEGATIVE ACTION:

If Amendment 3 is not approved and executed, the City will no longer collect DA 130 and 109 fees on behalf of the Flood Control District.

ATTACHMENTS

Amendment 3