



**Contra  
Costa  
County**

To: Contra Costa County Flood Control District Board of Supervisors

From: Brian M. Balbas, Public Works Director/Chief Engineer

Date: June 23, 2020

Subject: Creek Maintenance Agreement with Town of Danville, Project No. 7580-6D8286

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**RECOMMENDATION(S):**

As the governing body of the Contra Costa County Flood Control and Water Conservation District (FC District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute a maintenance agreement, with the Town of Danville (Town), related to accepting maintenance responsibilities for a portion of the West Branch of West Alamo Creek, in Drainage Area 1010, in the Danville area.

APPROVE and AUTHORIZE the Chief Engineer, or designee, to accept, on behalf of the FC District, an easement that the Town will grant the FC District under Section 3 of the maintenance agreement, and to cause said easement to be recorded in the Official Records of the Contra Costa County Clerk-Recorder.

DETERMINE that the activity is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061(b)(3) of the CEQA Guidelines, and

DIRECT the Director of the Department of Conservation and Development to file a Notice of Exemption with the County Clerk, and

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **06/23/2020** ☒ 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: June 23, 2020

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

Contact: Michelle Cordis, (925)  
313-2381

By: Stacey M. Boyd, Deputy

cc: Allison Knapp, Deputy Chief Engineer, Ave Brown, Environmental Services, Alex Nattkemper, Environmental, Tim Jensen, Flood Control, Michelle Cordis, Flood Control, Teri E. Rie, Flood Control, Bradley Olazo, Flood Control, Catherine Windham, Flood Control, Chris Lau, Maintenance, Mike Giles, Maintenance, Jocelyn LaRocque, Maintenance, Jason Quinones, Maintenance, Beth Balita, Finance, Jessica Dillingham, Real Estate

### RECOMMENDATION(S): (CONT'D)

AUTHORIZE the Chief Engineer, or designee, to arrange for payment of a \$25 fee to the Department of Conservation and Development for processing and a \$50 fee to the County Clerk for filing the Notice of Exemption.

### FISCAL IMPACT:

The estimated annual maintenance budget for the creek is \$10,000 and is funded by an assessment on the adjacent privately-owned properties.

### BACKGROUND:

In 1988, the FC District agreed to take on maintenance of this section of the creek through establishment of Drainage Area 1010, which created an assessment on property owners in the area for maintenance of the creek and other facilities within the Drainage Area. After completion of the initial creek improvements and in 1997, the Town adopted Resolution No. 6-97 to authorize the transfer of real property containing the creek from the Town to the FC District. The parcels were not immediately transferred at that time because of new and continuing creek work that the Town needed to complete prior to the FC District accepting the parcels. That work was concluded in 1999, but the real estate transactions were not completed.

Since 2009, the FC District has been discussing with the Town the limits and responsibilities of maintenance. In 2020, both parties have finally agreed to the maintenance terms set forth in the attached Agreement, which no longer includes transferring the parcels in fee. Section 3 of the Agreement requires the Town to convey an easement to the FC District, which the FC District will cause to be recorded. The Agreement will be signed concurrently with recording of an easement allowing the FC District legal access onto the parcels.

Staff recommends approving this Agreement to formalize the maintenance responsibilities and locations of the FC District and the Town within this creek.

### CONSEQUENCE OF NEGATIVE ACTION:

If the Agreement is not approved and executed, the FC District will not be obligated to perform maintenance within the area described.

### ATTACHMENTS

Maint. Agreement

CEQA