



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: Appropriation and Revenue Adjustment for Reversal of General Ledger Deposit Entry. Project No. 7579-6D8399

RECOMMENDATION(S):

Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District (FC District), APPROVE Appropriation and Revenue Adjustment No.005078 and AUTHORIZE an increase in available fund balance in the amount of \$750,000 from Drainage Area 55 (DA 55) Fund 257900 and appropriating it for DA 55 Rights of Way & Easements account (3540) to allow for the reversal of the general ledger deposit account entry. The \$750,000 deposit was included in the settlement payment made to the defendant pursuant to the final stipulation in *Contra Costa County Flood Control and Water Conservation District v. Gary A. Eames, et al., Case No. C15-02052*, as recommended by the Chief Engineer, Antioch area.

FISCAL IMPACT:

This action increases appropriations to account 3540 from fund balance in Drainage Area 55, fund 257900 (100% DA 55 Funds).

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

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

By: Stacey M. Boyd, Deputy

Contact: Michelle Cordis, (925) 313-2381

BACKGROUND:

Background: On October 5, 2015, the Flood Control District provided \$750,000 for the initial deposit to the State Treasurer for litigation titled Contra Costa County Flood Control and Water Conservation District v. Gary A. Eames, et al., Case No C15-02052 (Eames Case) – a condemnation action to acquire property for the West Antioch Creek Channel Improvement project in Drainage Area 55. On June 11, 2019, judgement was entered in the Eames case at which time the Flood Control District paid up to \$920,000 from the District fund 250500 and up to \$480,000 from Drainage Area 55 funds to pay additional \$1,100,000. The total settlement and litigation costs totaled \$1,850,000, including the deposit. Monies in Fund No. 250500 are not restricted to a particular drainage area and can be used for any Flood Control District expenditures. The original deposit of \$750,000 was paid from Drainage Area 55 fund 257900 and this action is to release the deposit.

CONSEQUENCE OF NEGATIVE ACTION:

If this Appropriation and Revenue Adjustment is not approved, the settlement has not been fulfilled and the Flood Control District will be exposed to additional liabilities.

ATTACHMENTS

TC24/27_AP005078