



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors

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

Date: November 1, 2022

Subject: Creek Maintenance Agreement with the City of Lafayette. Project No. EF2100649

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District (FC District), or designee, to execute a maintenance agreement with the City of Lafayette (City), related to accepting maintenance responsibilities for a portion of Lafayette Creek, in Zone 3B in the Lafayette area.

FISCAL IMPACT:

No direct fiscal impacts on the FC District funds. The proposed maintenance agreement does not add any additional maintenance responsibility to the FC District. The City is responsible for maintaining the proposed improvements covered under the proposed maintenance agreement.

BACKGROUND:

In 1955, the FC District accepted an easement and maintenance responsibilities for a section of the concrete channel known as Lafayette Creek, located on City property, for flood control purposes. In 2021, the City applied for a FC District Encroachment Permit (FCP) 649-21 to construct a rain garden facility with fences, landscaping, a storm drain outfall, and other appurtenant

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **11/01/2022** ☒ 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 1, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Gus Amirzehni, (925)
313-2128

BACKGROUND: (CONT'D)

improvements within the FC District's easement. As a condition of the FCP, the City and FC District agreed to clarify each agency's maintenance responsibilities in the form of a maintenance agreement.

Staff recommends approving the maintenance agreement to formalize the maintenance responsibilities of the FC District and the City within the easement area.

This action is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061(b)(3) of the CEQA Guidelines, and a Notice of Exemption was posted on January 28, 2022.

CONSEQUENCE OF NEGATIVE ACTION:

If the Creek Maintenance Agreement with the City is not approved, the City will be unable to construct and adequately drain their proposed rain garden and associated improvements.

ATTACHMENTS

Maintenance Agreement with City of Lafayette

Exhibit A Plans

Exhibit B Permit

Exhibit C Easement