

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE June 7, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of an Amendment to Extend the Expiration Date of the Interim Operations and Maintenance Agreement for the Gomes Lake Facility to July 31, 2011 with Stanislaus County, Turlock Irrigation District, City of Turlock, Reclamation Districts (RD) 2091 and 2063

STAFF RECOMMENDATIONS:

1. Approve the Amendment to Extend the Expiration Date of the Interim Operations and Maintenance Agreement for the Gomes Lake Facility to July 31, 2011 with Stanislaus County, Turlock Irrigation District, City of Turlock, Reclamation Districts (RD) 2091 and 2063.
2. Authorize the Public Works Director to sign the Amendment to the Interim Operations and Maintenance Agreement.

FISCAL IMPACT:

This amendment does not modify or change Stanislaus County's financial commitment as approved by the original interim agreement. The total expenses for operation and maintenance of the Gomes Lake facility under this agreement is \$25,000. The term of the original interim agreement is December 1, 2010 through May 31, 2011 with Stanislaus County's share of cost not to exceed \$4,000. Expenditures to date have been \$1,140, therefore no additional funds are needed at this time. Funds are available in the Road Operations' Fiscal Year 2010-2011 budget. If additional funds are needed in Budget Year 2011-2012, they are available in the Road Operations Proposed Budget.

BOARD ACTION AS FOLLOWS:

No. 2011-349

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of an Amendment to Extend the Expiration Date of the Interim Operations and Maintenance Agreement for the Gomes Lake Facility to July 31, 2011 with Stanislaus County, Turlock Irrigation District, City of Turlock, Reclamation Districts (RD) 2091 and 2063

DISCUSSION:

The Gomes Lake facility is a pumping station and associated infrastructure constructed by the State of California located just west of Carpenter Road, north of Crows Landing Road, approximately 3.5 miles adjacent to the San Joaquin River. Levees were constructed in the 1950's and 1960's in this area along the San Joaquin River to provide flood protection to certain properties within lands identified as Reclamation Districts (RD) 2091 and 2063. The construction of these levees affected natural drainage courses resulting in storm, irrigation tail water and other waters that naturally would flow to the San Joaquin River being blocked by the levees. The Gomes Lake facility was constructed to correct this situation. This facility allows waters backed up by the levees to be pumped over the levees and into the San Joaquin River.

Upon review of current floodway maps the Gomes Lake facility, and associated levees, do provide some flood control protection to County roads and rights of way. When defined as a percentage of the total area being protected by the levee and pumping system, the roadway area is approximately 2% of the total area being protected. The interim share has been negotiated at 16%. It is anticipated that a Joint Powers Agreement will be finalized in June 2011 for the ongoing operations and maintenance of the Gomes Lake facility with the understanding of a maximum 5-year term with a subsequent modification to reduce the County's share to an equitable amount based on the actual flood protection received by Stanislaus County Roads.

This amendment to the interim operations and maintenance agreement is necessitated by higher than normal stream flows in the San Joaquin River, which may trigger the need to operate the Gomes Lake facilities. This amendment is specific to the expiration of the agreement; all other conditions will remain unchanged.

POLICY ISSUES:

This action is consistent with the Board's priority of Effective Partnerships in that this project is a cooperative effort between Stanislaus County, Turlock Irrigation District, City of Turlock, Reclamation Districts (RD) 2091 and 2063 for the operation and maintenance of the Gomes Lake pumps and facilities.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: 209-525-4130.

BOARD OF SUPERVISORS

AMENDMENT No. 1
To the December 1, 2010 Interim Operations and Maintenance Agreement for
the Gomes Lake Facility ~~2011 OCT 12~~ A 8:12

THIS AMENDMENT No. 1 to the December 1, 2010, Interim Operations and Maintenance Agreement for the Gomes Lake Facility (the "Agreement") , is made this day of 2011, by and between the Turlock Irrigation District, the City of Turlock, Reclamation District No. 2063, Reclamation District No. 2091, and the County of Stanislaus (the "Parties").

RECITALS

WHEREAS, the Parties are working together to execute a new and revised Joint Powers Agreement for the operation of the Gomes Lake facilities, which will likely be executed by the Parties in the Summer of 2011.

WHEREAS, the Agreement will expire on May 31, 2011, leaving the Parties without a formal agreement for the operation and maintenance of the pumps and related facilities.

WHEREAS, the 2010-2011 winter has been an extraordinarily wet winter with higher than normal flows in the San Joaquin River and it is likely that operation and maintenance of the pumps may be necessary after May 31, 2011.

WHEREAS, it is in the interest of the Parties to extend the expiration date of the Agreement so that operation and maintenance activities can proceed without interruption.

NOW THEREFORE, the Parties agree as follows:

1. The date of termination of the Agreement is extended from May 31, 2011, to July 31, 2011.
2. All other terms and conditions of the Agreement remain unchanged and in full force and effect.

In WITNESS WHEREOF, the parties have executed this Agreement on the date first hereinabove written.

Turlock Irrigation District

City of Turlock

Stanislaus County

By: Cory Rasmussen
Title: General Manager
Date: 6-20-11

By: Roy W. Whelan
Title: City Manager
Date: 6-13-11

By: Michael
Title: Director
Date: 6/9/11

Reclamation District No. 2063

Reclamation District 2091

By: Joe Saffarini
Title: President
Date: 6-13-11

By: Wally Smith
Title: President
Date: 6-13-11

APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL
BY: Thomas S. Egan
DATE: _____