



## Legislation Details (With Text)

**File #:** 2019-0490  
**Type:** Consent Calendar Item      **Status:** Agenda Ready  
**File created:** 4/2/2019      **In control:** Sonoma County Water Agency  
**On agenda:** 4/30/2019      **Final action:**  
**Title:** Delegated Authority to Execute Consent Agreements  
**Sponsors:** Sonoma County Water Agency  
**Indexes:**  
**Attachments:** 1. Summary Report, 2. Agreement

| Date      | Ver. | Action By            | Action                  | Result |
|-----------|------|----------------------|-------------------------|--------|
| 4/30/2019 | 1    | Board of Supervisors | Approved as recommended | Pass   |

**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** Kevin Campbell 547-1921  
**Vote Requirement:** Majority  
**Supervisorial District(s):** All

**Title:**  
Delegated Authority to Execute Consent Agreements

### Recommended Actions:

Authorize the Sonoma County Water Agency's (Sonoma Water) General Manager to execute Consent Agreements in substantially the form provided to the Board following approval from County Counsel. Approved Consent Agreements authorize property owners to install and construct improvements within Sonoma Water aqueduct easements.

### Executive Summary:

Sonoma Water receives requests from property owners to allow them to construct improvements within Sonoma Water's existing aqueduct easements. Sonoma Water's easements contain language that prohibit the property owner from constructing the improvements without first obtaining written permission from Sonoma Water. The requirement within Sonoma Water's easements protects Sonoma Water's aqueduct improvements from damage or adverse impacts from property owner improvements. The time needed to obtain Board approval to allow the improvements can take from six to eight weeks to obtain after Sonoma Water staff reviews the requested improvements and makes a determination that the improvements will not adversely affect Sonoma Water's aqueduct. In order to provide timely permission to the property owners, this item requests delegated authority to Sonoma Water's General Manager to execute Consent Agreements that provide written permission to property owners that allows the installation of improvements approved by Sonoma Water within Sonoma Water aqueduct easements.

### Discussion:

Sonoma Water manages and maintains over 88 miles of underground pipelines used to deliver drinking water to over 600,000 people. The pipelines were constructed within permanent easements that prohibit the property owner from

certain uses within the easement without written permission from Sonoma Water. Construction of improvements within the easement can damage or interfere with Sonoma Water's ability to effectively manage the underground pipelines.

Property owners typically provide Sonoma Water with improvement plans that show their proposed improvements and the improvements' relationship with Sonoma Water's existing pipeline. Under the current process, Sonoma Water staff reviews the plans to determine if the planned improvements adversely affect the existing pipeline. If it is determined there are no adverse effects, staff drafts a Consent Agreement allowing for construction of the improvements subject to the approved plans. Staff then drafts and schedules an agenda item with the Board to approve execution of the Consent Agreement. The cost to process the agreement and review the plans have been reimbursed to Sonoma Water from the property owner.

As Sonoma Water relies on the property owner's willingness to approach Sonoma Water to request permission to construct improvements within Sonoma Water's easement, minimizing the cost and time needed to grant the written consent benefits Sonoma Water and the property owners. Delegating authority to the General Manager will eliminate that majority of the cost and time needed to process a Consent Agreement by eliminating the need to prepare a Board agenda item for each agreement.

Currently, processing a Consent Agreement takes between four to eight weeks to review the improvement plans describing the proposed improvements to be located on Sonoma Water's easement; make the determination whether the proposed improvements will or will not adversely affect Sonoma Water; and prepare a draft Consent Agreement and receive County Counsels review of the agreement. Another six to eight weeks follow for preparation, scheduling, and processing of an agenda item authorizing the General Manager to execute the Consent Agreement on behalf of the Board of Directors. The cost to prepare, schedule, and process an agenda item has been calculated at approximately \$10,000. While the property owners have reimbursed Sonoma Water the cost to process an agenda item, obtaining delegated authority for the General Manager to execute the Consent Agreement on behalf of the Board will provide future property owners with a six to eight week reduction in processing time and reduce their cost by approximately \$10,000 to process Consent Agreements.

Sonoma Water currently has two property owners requesting consent to construct improvements within existing Sonoma Water aqueduct easements. Lagunitas Brewing requested consent to cross a portion of Sonoma Water's Petaluma Aqueduct for installation of underground electrical conduit as part of a solar energy project being constructed. The Belmonte Family Trust requested consent to install a gate and underground electrical conduit within a portion of Sonoma Water's Sonoma Aqueduct. Sonoma Water staff has reviewed both sets of improvement plans and have determined that the improvements will not adversely affect Sonoma Water's aqueducts. Both property owners have agreed to reimburse Sonoma Water for any costs incurred in processing the Consent Agreements.

As a responsible agency under the California Environmental Quality Act (CEQA), Sonoma Water has reviewed all environmental documents prepared by the lead agencies of the Lagunitas Brewing and the Belmonte Family Trust projects and determined that the projects are exempt from CEQA. Sonoma Water staff has prepared Notice of Exemptions in accordance with CEQA, the State CEQA Guidelines, and Sonoma Water's Procedures for the Implementation of CEQA and will be filed upon recording of the Consent Agreements.

This item requests delegated authority for Sonoma Water's General Manager to execute Consent Agreements on behalf

of the Board of Directors in substantially the form provided to the Board following approval from County Counsel. This authority will only apply to Consent Agreements that do not adversely affect Sonoma Water improvements, the project needing the Consent Agreement is exempt from CEQA, and County Counsel approval of use of the Consent Agreement. Delegating authority to the General Manager will shorten the time to grant the consent and significantly reduce the cost to the property owner and Sonoma Water to grant the consent.

**Prior Board Actions:**

None

**FISCAL SUMMARY**

| <b>Expenditures</b>                | <b>FY 18-19<br/>Adopted</b> | <b>FY19-20<br/>Projected</b> | <b>FY 20-21<br/>Projected</b> |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses                  |                             |                              |                               |
| Additional Appropriation Requested |                             |                              |                               |
| <b>Total Expenditures</b>          |                             |                              |                               |
| <b>Funding Sources</b>             |                             |                              |                               |
| General Fund/WA GF                 |                             |                              |                               |
| State/Federal                      |                             |                              |                               |
| Fees/Other                         |                             |                              |                               |
| Use of Fund Balance                |                             |                              |                               |
| Contingencies                      |                             |                              |                               |
| <b>Total Sources</b>               |                             |                              |                               |

**Narrative Explanation of Fiscal Impacts:**

This item has no fiscal impact. Any cost needed to process the Consent Agreement is reimbursed to Sonoma Water from the property owners; however, as authority to execute a Consent Agreement will be held by Sonoma Water’s General Manager, property owners will not need to reimburse Sonoma Water the cost for preparation of an agenda item for future Consent Agreements.

| <b>Staffing Impacts:</b>        |  |                               |                               |
|---------------------------------|--|-------------------------------|-------------------------------|
| <b>Position Title (Payroll)</b> | <b>Monthly Salary Range (A - I Step)</b> | <b>Additions<br/>(number)</b> | <b>Deletions<br/>(number)</b> |
|                                 |  |                               |                               |
|                                 |  |                               |                               |
|                                 |  |                               |                               |

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Consent agreement

**Related Items "On File" with the Clerk of the Board:**

None