

**SPECIAL MEETING  
OF THE  
CACHUMA OPERATION AND MAINTENANCE BOARD**  
at Cachuma Operation and Maintenance Board Office  
**3301 Laurel Canyon Road  
Santa Barbara, California 93105**

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**Tuesday, September 3, 2019**

*Start Time*  
**10:00 A.M.**

**AGENDA**

*Note: This is a special meeting of the Governing Board called in accordance with Government Code Section 54956. Other than the listed agenda items, no other business will be conducted by the Governing Board.*

1. **CALL TO ORDER, ROLL CALL**
2. **PUBLIC COMMENT** *(In accordance with Government Code Section 54954.3, every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.)*
3. **[CLOSED SESSION]: CONFERENCE WITH LEGAL COUNSEL: POTENTIAL LITIGATION**
  - a. [Government Code Section 54956.9(d)(4)] Possible Litigation
4. **RECONVENE INTO OPEN SESSION**
  - [Government Code Section 54957.7]
  - Disclosure of actions taken in closed session, as applicable
  - [Government Code Section 54957.1]
  - 3a. Possible Litigation
5. **REVIEW AND CONSIDER POSSIBLE AMENDMENT TO RESOLUTION NO. 688 (MAY 20, 2019) REGARDING APPROVAL OF EXPENDITURES FOR QUIOTA CREEK CROSSING NO. 8 FISH PASSAGE IMPROVEMENT PROJECT**

Action: Recommend approval and adoption by motion and roll call vote of the Board
6. **MEETING SCHEDULE**
  - September 23, 2019 Regular Board Meeting at 1:00 P.M., COMB Office
  - Board Packages available on COMB website [www.cachuma-board.org](http://www.cachuma-board.org)
7. **COMB ADJOURNMENT**

#### NOTICE TO PUBLIC

**Posting of Agenda:** This agenda was posted at COMB's offices, located at 3301 Laurel Canyon Road, Santa Barbara, California, 93105 and on COMB's website, in accordance with Government Code Section 54954.2. The agenda contains a brief general description of each item to be considered by the Governing Board. The Board reserves the right to modify the order in which agenda items are heard. Copies of staff reports or other written documents relating to each item of business are on file at the COMB offices and are available for public inspection during normal business hours. A person with a question concerning any of the agenda items may call COMB's General Manager at (805) 687-4011.

**Written materials:** In accordance with Government Code Section 54957.5, written materials relating to an item on this agenda which are distributed to the Governing Board less than 72 hours (for a regular meeting) or 24 hours (for a special meeting) will be made available for public inspection at the COMB offices during normal business hours. The written materials may also be posted on COMB's website subject to staff's ability to post the documents before the scheduled meeting.

**Public Comment:** Any member of the public may address the Board on any subject within the jurisdiction of the Board that is not scheduled for as an agenda item before the Board. The total time for this item will be limited by the President of the Board. The Board is not responsible for the content or accuracy of statements made by members of the public. No action will be taken by the Board on any Public Comment item.

**Americans with Disabilities Act:** in compliance with the Americans with Disabilities Act, if you need special assistance to review agenda materials or participate in this meeting, please contact the Cachuma Operation and Maintenance Board office at (805) 687-4011 at least 48 hours prior to the meeting to enable the Board to make reasonable arrangements.

**Note:** If you challenge in court any of the Board's decisions related to the listed agenda items you may be limited to raising only those issues you or someone else raised at any public hearing described in this notice or in written correspondence to the Governing Board prior to the public hearing.

# CACHUMA OPERATION & MAINTENANCE BOARD

## BOARD MEMORANDUM

Date:	September 3, 2019
Submitted by:	Tim Robinson
Approved by:	Janet Gingras

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**SUBJECT:**        **Possible Amendment to Resolution No. 688 - Quiota Creek Crossing No. 8 Fish Passage Improvement Project**

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**RECOMMENDATION:**

The Board of Directors receive additional information related to the Quiota Creek Crossing No. 8 Fish Passage Improvement Project and;

- 1) Review and consider a possible amendment to Resolution No. 688 conditionally approving project expenditures for the construction of the Fish Passage Improvement Project at Quiota Creek Crossing No. 8.
- 2) Authorize the General Manager to execute a purchase order for the prefabricated ConTech Engineered Solutions bottomless arched culvert product for Crossing 8 at a price not to exceed \$320,000 once contingency conditions are satisfied.
- 3) Authorize the General Manager to solicit competitive bids for the construction of the Quiota Creek Crossing 8 Project in amounts not-to-exceed \$754,000 once contingency conditions are satisfied.

**SUMMARY:**

COMB was awarded a 2018 CDFW-FRGP Grant for \$1,010,700 with an obligated COMB construction match of \$50,000 to replace the current temporary bridge and damaged concrete low flow crossing at Quiota Creek Crossing 8. The replacement project consists of a 54-foot bottomless arched culvert with four wing walls and two rock weirs for grade control. The stream channel will be graded to an even slope through the project area to match upstream and downstream conditions. The COMB Board accepted the CDFW-FRGP grant through Resolution No. 682 on January 28, 2019. The total project cost is estimated to be \$1,240,700 with available funding provided by the CDFW-FRGP grant and Warren Act Trust fund. This project is scheduled to be constructed in the fall of 2019 pending Board approval, final design approval, and permit acquisition.

The following is a description of the Crossing 8 Project and the needed approvals to move forward with the project. All permits for the Crossing 8 Project will be acquired before the selected construction contractor initiates the work.

***Project description***

A 54-foot prefabricated bottomless arched culvert is planned to replace the current temporary bridge and damaged concrete low flow crossing at Quiota Creek Crossing 8. The project is being designed to the minimum design standards set by all regulatory agencies. Pending final design approval by Santa Barbara County (County) and California Department of Fish and Wildlife (CDFW in collaboration with the

National Marine Fisheries Service (NMFS)), the project will begin as soon as possible in September/October and be completed in December of 2019. All funding for this project has been secured from a CDFW-FRGP grant (\$1,010,700) and a COMB construction match (\$50,000). The funding and project were accepted through Resolution No. 682 by the COMB Board on January 28, 2019. Final design approvals and the Notice to Proceed (NTP) from CDFW-NMFS have been received. Design approval from the County is expected within the next two weeks. The temporary construction Right-of-Entry Agreements from the two landowners within the project boundary have been obtained.

**FINANCIAL IMPACT:**

COMB has committed to a \$50,000 construction match, \$65,727 for staff time (COMB services) and \$121,398 for operational expenses (independent design review, all permit fees, etc.). The COMB proposed budget would provide \$1,176,000 for construction (includes purchase of the bridge) and \$30,000 for design of the project for fiscal year 2019-20. Revenues will cover the costs to purchase the ConTech arch system, construct the project, and provide for general operating expenses. Warren Act Trust Fund revenues are approximately \$250,000. A summary of the project costs are outlined below:

		<b>FY 2018-20</b>
<b>Estimated Construction Cost</b>		
Construction Estimate (*)		\$ 1,073,575
Project Management and Oversight		65,727
Operating Expenses		121,398
	<b>Sub Total:</b>	\$ 1,260,700
<b>Available Funding</b>		
CDFW Grant (Operating and Construction)		\$ 1,010,700
Warren Act Trust Fund FY 2019-20		250,000
	<b>Sub Total:</b>	\$ 1,260,700
<b>Balance to be Funded by Member Agencies</b>		<b>\$ -</b>
(*) Includes ConTech Invoice for Bridge System		

A summary of ongoing Quiota Creek Crossing 8 Project financials will be presented in monthly memos in the COMB Board packet once the project starts construction.

***Construction Contractor***

Project bid proposals would be solicited once contingency conditions are satisfied with anticipation of receiving all bids within approximately two weeks of solicitation.

**LEGAL CONCURRENCE:**

Prepared documents, including the resolution, have been or will be reviewed by COMB legal counsel.

**ENVIRONMENTAL COMPLIANCE:**

All conditions outlined in the permits for the project will be followed.

**LIST OF EXHIBITS:**

- 1) Resolution No. 688

**RESOLUTION NO. 688**

**RESOLUTION OF THE GOVERNING BOARD OF THE  
CACHUMA OPERATION & MAINTENANCE BOARD  
CONDITIONALLY APPROVING EXPENDITURES FOR THE  
CONSTRUCTION OF THE FISH PASSAGE IMPROVEMENT AT  
QUIOTA CREEK CROSSING NUMBER 8**

**WHEREAS**, the Cachuma Operation & Maintenance Board (“COMB”) is a joint powers authority and public entity, organized and existing in the County of Santa Barbara in accordance with Government Code Section 6500 et seq., and operating pursuant to the 1996 Amended and Restated Agreement for the Establishment of a Board of Control to Operate and Maintain the Cachuma Project - Cachuma Operation And Maintenance Board, dated May 23, 1996 (“Amended and Restated Agreement”), as amended by an Amendment to the Amended and Restated Agreement made effective September 16, 2003; and as amended by the Second Amendment to the 1996 Amended and Restated Agreement made effective November 20, 2018 (collectively the “Joint Powers Agreement”); and

**WHEREAS**, COMB operates and maintains Cachuma Project facilities pursuant to a Transfer of Operation and Maintenance Contract with the United States Department of the Interior, Bureau of Reclamation; and

**WHEREAS**, the Member Agencies of COMB consist of the Goleta Water District, the City of Santa Barbara, the Montecito Water District, and the Carpinteria Valley Water District; and

**WHEREAS**, in August, 1997, the National Marine Fisheries Service (“NMFS”) listed anadromous steelhead in the Southern California Evolutionarily Significant Unit, including the Santa Ynez River downstream of Bradbury Dam, as an endangered species under the federal Endangered Species Act, and completed and issued on September 11, 2000, a Biological Opinion relative to Cachuma Project operations as they relate to steelhead; and

**WHEREAS**, COMB is committed to implement and cooperate in operations and other management actions designed to protect and enhance habitat conditions for steelhead in the Santa Ynez River and its tributaries downstream of Bradbury Dam; and

**WHEREAS**, the fish passage improvements at Crossing Number 8 on Quiota Creek, a tributary to the Lower Santa Ynez River, will provide improved access to the perennial reaches of Quiota Creek and restore habitat to enhance conditions for steelhead (the “Project”). The Project will replace an existing temporary bridge that was constructed on the remnants of an “at-grade” Arizona-type concrete crossing with a 54-foot prefabricated concrete bottom-less arched culvert (or bridge), which will remain owned, operated and maintained by the County of Santa Barbara. The new bridge system will consist of an internal span of 54 feet and rise approximately 14 feet. A single 18-foot wide lane road surface will be constructed over the top of the arch of the bridge connecting to the existing County road surface; and

**WHEREAS**, COMB has prepared a detailed Scope of Work with specific tasks to be performed, a schedule of completion and a detailed budget that will be used for selection of a construction contractor and construction management of the Project; and

**WHEREAS**, final approval of the Project's 100% design drawings (produced by HDR Fisheries Design Center) by the California Department of Fish and Wildlife ("CDFW"), NMFS fish passage engineers, and Santa Barbara County is expected in the Summer of 2019. The bulk of the on-the-ground construction activities for the Project will be accomplished by a hired contractor who will be determined through a competitive bidding process using a pre-approved CDFW-qualified contractor list. Pending procurement of all necessary permits, the Project will be constructed in the Fall (September – December) 2019, and is expected to take approximately 75 days to complete; and

**WHEREAS**, in 2019, COMB was awarded One Million Ten Thousand Seven Hundred Dollars (\$1,010,700) in CDFW-Fisheries Restoration Grant Program ("FRGP") funding (the "Grant"); and

**WHEREAS**, on January 28, 2019, the COMB Governing Board approved Resolution No. 682 accepting the Grant to fund a significant portion of the total expenditures necessary for the Project; and

**WHEREAS**, COMB estimates that the total expenditures for the Project would be approximately One Million Two Hundred Sixty Thousand Seven Hundred Dollars (\$1,260,700), which would include state grant funding in the amount of \$1,010,700, along with Warren Act funding and assessments from the Member Agencies including a construction match of \$50,000; and

**WHEREAS**, on May 10, 2019, the Project was reviewed and considered by COMB's Fisheries Committee and forwarded to the Governing Board with a recommendation to approve; and

**WHEREAS**, given that the County of Santa Barbara ("County") must issue a variance in approving the Encroachment Permit for the Project, the County now requires that each landowner immediately upstream and downstream of the Project must sign a flood area certificate ("Certificate") that acknowledges a possible change in flood elevations at the highest of design flows (100-year event) due to the installation of the bridge proposed in the Project. The landowners immediately upstream and downstream of the Project have signed their respective Certificate; and

**WHEREAS**, on other, now-completed, projects located at various crossings on Quiota Creek, during the interim period during which COMB sought to secure the signatures of all of the pertinent landowners, consistent with the terms and conditions of the encroachment permit for those other projects, COMB agreed to indemnify and hold harmless the County, its officers, employees and agents for any claims, expense or costs, damages or liability arising out of the Encroachment Permit or occasioned by the performance or attempted performance of this Permit, including those relating to the immediate upstream and downstream landowners (referred to as "Temporary Indemnifications"). The Temporary Indemnifications are for a limited period time, namely, until such time all of the immediate upstream and downstream landowners located near those other projects signed the Certificate and submitted them to the County; and

**WHEREAS**, the COMB Governing Board is being requested to approve and authorize COMB's General Manager to pay the County for the requisite Encroachment and related permit fees for the Project; and

**WHEREAS**, the COMB Governing Board is also being requested to conditionally approve and authorize the expenditure of funds for the construction of the Project, including the purchase and order of a prefabricated arched culvert product and competitive solicitation of a construction contract for the Project, contingent upon the satisfaction of the following two conditions: 1) all of the pertinent landowners at the other projects located on Quiota Creek, where there currently exists a Temporary Indemnification, shall sign any unsigned Certificate; and 2) the County shall release COMB from any existing Temporary Indemnification for other projects located on Quiota Creek (collectively the "Contingency Conditions"); and

**WHEREAS**, the COMB Governing Board is requested to conditionally approve and authorize, upon the satisfaction of the Contingency Conditions, the COMB General Manager to execute a purchase order with ConTech Engineered Solutions for a prefabricated, bottomless arched culvert product to be used in the Project and not-to-exceed \$320,000; and

**WHEREAS**, the COMB Governing Board is requested to conditionally approve and authorize, upon the satisfaction of the Contingency Conditions, the COMB General Manager to solicit competitive bids for the construction of the Project in the amounts not-to-exceed \$754,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF COMB AS FOLLOWS:**

1. The Governing Board finds and determines that the facts set forth in the above recitals and in the documents referenced herein are true and correct.

2. The Governing Board authorizes the General Manager to pay the County for the requisite Encroachment and related permit fees for the Project.

3. The Governing Board conditionally authorizes the General Manager to execute a purchase order with ConTech Engineered Solutions for a prefabricated, bottomless arched culvert product to be used in the Project and not-to-exceed \$320,000, contingent upon the satisfaction of the Contingency Conditions.

4. The Governing Board conditionally authorizes the COMB General Manager to solicit competitive bids for the construction of the Project in the amounts not-to-exceed \$754,000, contingent upon the satisfaction of the Contingency Conditions.

5. The Governing Board further authorizes COMB's officers and staff, including the General Manager, to continue to do all things necessary and appropriate, including, but not limited to, execution and delivery of necessary documents, the obtaining of applicable permits, and any other actions to construct and implement the Project using the conditionally approved expenditures.

6. This Resolution shall take effect immediately.

**PASSED, APPROVED AND ADOPTED** by the Governing Board of the Cachuma Operation and Maintenance Board, this 20th day of May 2019, by the following roll call vote:

**Ayes:**

**Nayes:**

**Absent/Abstain:**

**APPROVED:**

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President of the Governing Board

**ATTEST:**

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Secretary of the Governing Board