

1 BOARD OF DIRECTORS

2 LAKE COUNTY WATERSHED PROTECTION DISTRICT

3 COUNTY OF LAKE, STATE OF CALIFORNIA

4 RESOLUTION NO. _____

5 RESOLUTION AUTHORIZING LEASES OF DISTRICT-OWNED LANDS FOR
6 AGRICULTURAL USES WITHIN THE MIDDLECREEK FLOOD DAMAGE REDUCTION
7 AND ECOSYSTEM RESTORATION PROJECT

8 WHEREAS, the Lake County Watershed Protection District Act (hereinafter, the "Act")
9 includes among its purposes to provide for the control, impounding, treatment, and disposal of the flood
10 and storm waters of the Lake County Watershed Protection District (hereinafter, the "District"), the
11 conservation and protection of waters within the District, to protect from flood or storm waters the
12 watercourses, lakes, groundwater, watersheds, harbors, public highways, life and property in the
13 District, and to develop and improve the quality of all waters within the District for all beneficial uses.

14 WHEREAS, the Act empowers the District to let and dispose of real and personal property of
15 every kind as necessary or proper to carry out any of the objects of purposes of the Act and
16 convenient to the full exercise of its powers; and

17 WHEREAS, the Act further provides that the Board of Directors of the District may determine,
18 by resolution, that any real property held by the District not presently needed by the District for its own
19 uses and purposes, may be leased in a manner prescribed by law for such action by counties; and

20 WHEREAS, during the lengthy period of property acquisitions within the Project area
21 necessary to effectuate the restoration of this habitat, the District has historically let the real properties
22 thus acquired to persons interested in putting said properties to an agricultural use which will prevent
23 and/or reduce illegal dumping and other illicit conduct that may negatively impact the efficacy of
24 returning these properties to a functional wetland; and

25 WHEREAS, the County of Lake has established alternate procedures for leasing and licensing
26 real property, which, at the discretion of the County Administrative Officer or her designee, excludes
27 leases and licenses from the formal bidding procedures of Government Code Sections 25526 et seq.,
28

1 and the informal bidding procedures of Section 2-190 of the Lake County Code when a lease or
2 license is not of a duration exceeding ten (10) years, is non-renewable, and has an estimated monthly
3 rental not exceeding ten thousand dollars (\$10,000.00); and

4 WHEREAS, the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project
5 (Project) will restore damaged habitat and the water quality of the Clear Lake watershed, returning this
6 area to a functional wetland, which will have a significant affect on the watershed health and the water
7 quality of Clear Lake; and

8 WHEREAS, it is in the best interest of the District and of the goals of this Project to allow such
9 leases, while ensuring the understanding of any prospective lessee of the temporary nature of any such
10 lease and the potential risks to any contemplated agricultural operation given nature's eventual return of
11 the Project area to a functional wetland.

12 NOW THEREFORE, BE IT RESOLVED THAT:

- 13 1. The Board of Directors hereby finds and declares that the real properties located within the
14 Project area and not already subject to lease agreements are not presently needed for District
15 use and may, therefore, be leased for agricultural use.
- 16 2. That said leases shall extend for a period of no more than ten (10) years and the monthly rental
17 charges may not exceed ten thousand dollars (\$10,000) per month.
- 18 3. That the County Administrative Officer or her designee is hereby authorized to proceed with
19 the leasing of said properties pursuant to the requirements of Section 2-192 of the Lake County
20 Code and utilizing a Request for Proposals (hereinafter, "RFP") process.
- 21 4. That the RFP contain unequivocal and express language regarding the limitations of any lease
22 agreement and must require any prospective lessee to assume any and all risks associated with
23 engaging in an agricultural use within the Project area given the unpredictable but eventual return
24 of the Project area to wetland.
- 25 5. That any existing lease agreements continue in full force and effect for their respective durations.
- 26 6. That any resolutions or orders in conflict herewith are superceded and replaced by this
27 Resolution.

1 THIS RESOLUTION was passed by the Board of Directors of the Lake County Watershed
2 Protection District at a regular meeting thereof on the _____ day of _____, 2017, by the
3 following vote:

4 AYES:

5 NOES:

6 ABSENT OR NOT VOTING:

7
8 _____
9 CHAIR, Board of Directors

10
11 ATTEST: Carol J. Huchingson

12 Clerk of the Board

13
14 By: _____

15 Deputy

16
17 APPROVED AS TO FORM: Anita L. Grant, County Counsel

18
19 By:  _____