



Legislation Details (With Text)

File #: 24-612 **Version:** 1 **Name:**

Type: Agreement **Status:** Agenda Ready

File created: 5/23/2024 **In control:** Lake County Watershed Protection District

On agenda: 6/4/2024 **Final action:**

Title: (Sitting as the Lake County Watershed Protection District, Board of Directors) (a) Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of the goods and services, and (b) Authorize the County of Lake Water Resources Director to sign an Memorandum of Understanding agreement between the Lake County Watershed Protection District and the Tribal EcoRestoration Alliance for the time period of June 1, 2024 – April 30, 2026.

Sponsors: Water Resources, Lake County Watershed Protection District

Indexes:

Code sections:

Attachments: 1. 2024 MOU TERA County_NeedsBOSapprove_May2024

Date	Ver.	Action By	Action	Result
6/4/2024	1	BOARD OF SUPERVISORS		

Memorandum

Date: June 4, 2024

To: The Honorable Lake County Board of Supervisors, Serving as the Board of Directors of the Watershed Protection District

From: Scott De Leon, Director, Water Resources Department and Angela De Palma-Dow, Water Resources Department

Subject: (a) Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of the goods and services, and (b) Authorize the County of Lake Water Resources Director to sign an Memorandum of Understanding agreement between the Lake County Watershed Protection District and the Tribal EcoRestoration Alliance for the time period of June 1, 2024 - April 30, 2026.

Executive Summary:

Staff is requesting the Board of Directors of the Lake County Watershed Protection District, approve the attached Memorandum of Understanding (MOU) between the Lake County Watershed Protection District (District) and the local, non-profit Tribal EcoRestoration Alliance (TERA) organization to conduct much-needed conservation land and water management efforts in Lake County.

This contract outlines services TERA would be conducting for the District, and the District would be

paying TERA for these services. The attached MOU and scope of work (ATTACHMENT A) identify the specific tasks, grant projects, restoration needs, and anticipated future projects. This item is not expected to be controversial; therefore we are requesting this item to be placed on the Consent Agenda.

This will be the second MOU between the District and TERA with both parties having collaborated and partnered on several grant projects such as restoration of shorelines, levee and creek vegetation maintenance, native plant community restoration and rearing, and cultural and invasive plant burning planning activities. The District is grateful to TERA to accomplish these much-needed projects that would otherwise not be able to be completed due to capacity and staff shortfalls within the District. The District and TERA are dedicated to cross-interdisciplinary knowledge sharing and through this partnership, they are working together towards a vision of healing our land and communities.

Staff is requesting that the Board waive the competitive bidding process and approve a contract with TERA, in accordance with Lake County Code Section 38.2, it is not in the public's interest to competitively bid this project, due to:

38.2 (2) The unique nature of the goods or services precludes competitive bidding because these services are provided by a multi-tribal organization affiliated with Robinson Rancheria, a sovereign government agency and TERA provides an experienced conservation-focused, culturally-relevant and dedicated stewardship role on all their projects; and

38.2 (3) The competitive bidding process would not produce an economic benefit to the County because TERA is a 501c3 (Federal EIN: 99-1079532, CA SSID: 6085557) non-profit organization and provides their contracted services at cost.

Due to the nature of the field-based services needed, exact hours required for agreement tasks fluctuate seasonally. Annually, tasks within the scope of work (ATTACHMENT A) are estimated to currently cost between \$25,000 and \$80,000 annually, with a budget not to exceed \$90,000 in any single fiscal year.

As during the last MOU period, when possible and where eligible, outside funding and grants are being used and pursued to support the project tasks within the scope of work. For example current grants from the Department of Pesticide Regulation, Blue Ribbon Committee for the Rehabilitation of Clear Lake, California Natural Resources Agency, Wildlife Conservation Board, and CA Department of Water Resources are currently available to fund TERA. Future or planned funds might be sourced from grants and funding agreements through Westside IRWMP, NRCS, US Fish and Wildlife Service, CA Department of Fish and Wildlife, State Water Board, and Cal-Fire. Internal District funds will be used to supplement or support these outside funding sources when needed.

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 <<http://www.lakecountyca.gov/Government/Directory/Administration/Visioning/Vision2028.htm>>

(check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Not applicable | |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Disaster Prevention, Preparedness, Recovery |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> County Workforce |
| | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake |

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested? 38.2

How long has Agreement been in place? This is continuation of previous MOU from 2022.

When was purchase last rebid? N/A

Reason for request to waive bid? in accordance with Lake County Code Section 38.2, it is not in the public's interest to competitively bid this project, due to (2A) the unique nature of the goods or services precludes competitive bidding, 2(B) these services are provided by another governmental agency (multi-tribal organization affiliated with Robinson Rancheria), and lastly TERA is a 501c3 non-profit organization, so financial gain would not be substantial enough to pursue the bid process.

Recommended Action:

(a) Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of the goods and services, and (b) Authorize the County of Lake Water Resources Director to sign an Memorandum of Understanding agreement between the Lake County Watershed Protection District and the Tribal EcoRestoration Alliance for the time period of June 1, 2024 - April 30