



# Monterey County

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## Board Report

Legistar File Number: WRAA 15-008

May 19, 2015

**Introduced:** 5/8/2015

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** WR Agreement

- a. Approve waiver of the workers' compensation, professional liability, and commercial general liability provisions of the Agreement for Services with Tom Shepherd;
- b. Approve the Agreement for Services with Tom Shepherd for grazing lease and related property management services; and,
- c. Authorize the Water Resources Agency General Manager to execute the Agreement.

### RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve waiver of the workers' compensation, professional liability, and commercial general liability provisions of the Agreement for Services with Tom Shepherd;
- b. Approve the Agreement for Services with Tom Shepherd for grazing lease and related property management services; and,
- c. Authorize the Water Resources Agency General Manager to execute the Agreement.

### SUMMARY/DISCUSSION:

Monterey County Water Resources Agency (MCWRA) is responsible for the Grazing Leases and related property management services around Nacimiento and San Antonio Reservoirs. There are approximately nine (9) MCWRA leases that will expire in October 2017. The MCWRA needs to update these lease agreements and reformulate the existing language that provides credits to tenants for land improvements. In addition, there are several outstanding property management activities that need immediate attention to prevent risk of liability and to protect existing lease revenue that may be impacted by continued drought conditions.

Tom Shepherd has a high degree of knowledge regarding Agency Property in Monterey County, possessing over 20 years of experience as a Monterey County Deputy Chief Ranger/Parks Operations Manager. Over the years, he has worked closely with MCWRA on property management issues and the MCWRA and County Park Lease Agreement. Mr. Shepherd understands the needs and restrictions of these agreements and offers great insight into some of the outstanding lease issues.

### OTHER AGENCY INVOLVEMENT:

Staff believes that the professional liability insurance requirement does not apply because this agreement is not for architectural, engineering, environmental, or construction management services. Since Mr. Shepherd does not have employees, staff also recommends waiver of the workers' compensation insurance.

The County Counsel's Office, including the Risk Management Division, recommends that commercial general liability insurance be required. The County Counsel advises that wherever there are professional services that entail personal interaction and contact, there is some potential for liability and litigation. Under all the circumstances, staff recommends waiver of the insurance requirement

Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to review for potential fiscal, organizational, policy or other implications to the County of Monterey.

FINANCING:

Agency Fund 116 - Administration will pay \$25,000 for the cost of this Agreement.

Prepared by: \_\_\_\_\_  
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Approved by \_\_\_\_\_  
David E. Chardavoyne, General Manager, (831) 755-4860

Attachments:  
Agreement for Services  
MCWRA Executed Board Order