



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 21-992 **Name:** Approve Right-of-Entry and Indemnification Agreement with Pajaro Sunny Mesa Community Services for Access and use of Warehouse Space at 24 San Juan Road

Type: General Agenda Item **Status:** Passed

File created: 11/5/2021 **In control:** Board of Supervisors

On agenda: 11/16/2021 **Final action:** 11/16/2021

Title: a. Approve the Right of Entry and Indemnification Agreement (Agreement) between the County and the Pajaro Sunny Mesa Community Services District (PSMCSD) for access and use of warehouse space located at 24 San Juan Road, in the unincorporated community of Pajaro, California; and b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the the Right of Entry and Indemnification Agreement (Agreement), and any future amendments under similar terms, conditions, and format if deemed by the Contracts/Purchasing Officer to be in the best interest of the County, subject to review and approval by the Office of the County Counsel-Risk Management.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Right of Entry and Indemnification Agreement, 3. Attachment B - Location Map, 4. Completed Board Order Item No. 52

Date	Ver.	Action By	Action	Result
11/16/2021	1	Board of Supervisors	approved	

a. Approve the Right of Entry and Indemnification Agreement (Agreement) between the County and the Pajaro Sunny Mesa Community Services District (PSMCSD) for access and use of warehouse space located at 24 San Juan Road, in the unincorporated community of Pajaro, California; and

b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the the Right of Entry and Indemnification Agreement (Agreement), and any future amendments under similar terms, conditions, and format if deemed by the Contracts/Purchasing Officer to be in the best interest of the County, subject to review and approval by the Office of the County Counsel-Risk Management.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve the Right of Entry and Indemnification Agreement (Agreement) between the County and the Pajaro Sunny Mesa Community Services District (PSMCSD) for access and use of warehouse space located at 24 San Juan Road, in the unincorporated community of Pajaro, California; and

b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the the Right of Entry and Indemnification Agreement (Agreement), and any future amendments under similar terms, conditions, and format if deemed by the Contracts/Purchasing Officer to be in the best interest of the County, subject to review and approval by the Office of the County Counsel-Risk Management.

SUMMARY/DISCUSSION:

Approval of the Right of Entry and Indemnification Agreement (Agreement) will allow the County access to storage space owned by the Pajaro Sunny Mesa Community Services District (PSMCSD) at 24 San Juan Road (Storage Location), located in the unincorporated community of Pajaro, California.

Storage space and access is required as part of the Pajaro levee encampment abatement (Encampment Abatement) tentatively commencing the week of November 15, 2021. The Encampment Abatement will be conducted under the direction and collaboration of Public Works, Facilities, and Parks (PWFP) and the Monterey County Water Resources Agency (WRA). PWFP and WRA will store personal property securely at the Storage Location and will provide individuals who have been relocated the opportunity to establish ownership of the property and reclaim said property during normal weekday business hours for a period of ninety (90) days from the date said property is first stored.

The Agreement includes a non-County standard indemnification clause with the County agreeing to indemnify, defend, and hold harmless PSMCSD against any claims and losses related to the County's use of the Storage Location.

PWFP is requesting that the Board approve and authorize future amendments to the Agreement should similar storage needs associated with a future encampment abatement arise. Any future amendment would be subject to review and approval of PSMCSD and by the Office of the County Counsel-Risk Management.

Approval and execution of the Agreement will provide the PWFP and WRA with immediate access to the Storage Location required for personal property stored on behalf of individuals who are relocated as part of the Encampment Abatement.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management has reviewed and approved the proposed Agreement as to form. Risk Management has reviewed as to indemnification provisions and approves subject to Board approval.

FINANCING:

There is no anticipated fiscal impact to the General Fund resulting from approval of the Agreement. In the spirit of cooperation, Pajaro Sunny Mesa Community Services District has waived occupancy fees.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action supports the Board of Supervisors strategic initiative for Public Safety and Health and Human Services. Approval of the Agreement will aid in properly conducting the Encampment Abatement and mitigate any potential public safety issues. Approval of the Agreement also provides individuals experiencing homelessness and relocation due to the Encampment Abatement with the opportunity to reclaim personal property at the Storage Location.

☐ Economic Development
☐ Administration
☒ Health & Human Services
☐ Infrastructure
☒ Public Safety

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Approved by: Lindsay Lerable, Chief of Facilities

Approved by: Randell Ishii, M.S., P.E., T.E., P.T.O.E.

Director of Public Works, Facilities and Parks

Attachments:

Attachment A - Right of Entry and Indemnification Agreement
Attachment B - Location Map

(Attachments on File with the Clerk of the Board)