

Santa Clara County Open Space Authority

RESOLUTION 10-24

A RESOLUTION OF THE GOVERNING BOARD OF THE SANTA CLARA COUNTY OPEN SPACE AUTHORITY AUTHORIZING THE GENERAL MANAGER TO ENTER INTO ENTRY AND CONSTRUCTION AGREEMENT WITH WASTE MANAGEMENT OF CALIFORNIA, INC FOR RESTORATION PROJECT WITHIN THE SIERRA VISTA PRESERVE

WHEREAS, the Authority was approached by Waste Management of California Inc, in March of 2006 inquiring as to the Authority's interest in permitting Waste Management of California Inc. (Waste Management), to conduct off-site mitigation on lands in the Sierra Vista Preserve; and

WHEREAS, Waste Management has been required by the San Francisco Bay Regional Water Quality Control Board and the California Department of Fish and Game to restore 1.10 acres of aquatic habitat at an off-site location and both have agreed that the Vilas site is appropriate for that mitigation; and

WHEREAS, due to concerns conveyed by the California Department of Water Resources – Division of Dam Safety related to the stability of the Vilas Dam both the Authority and Waste Management believe the project should be expanded, the Vilas Dam removed and the stream restored to historic conditions; and

WHEREAS, the Authority will fund that portion of the restoration project that removes the Vilas Dam because it is beyond the scope of what Waste Management is required to do for mitigation; and

WHEREAS, the expanded project is consistent with the Authority's 5-Year Plan - Definition of Open Space "Improvement or rehabilitation of degraded Ecosystems"; and

WHEREAS, this project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15333.

NOW, THEREFORE, BE IT RESOLVED, that the Board authorizes the General Manager to enter into an Entry and Construction Agreement with Waste Management of California Inc., for the restoration of the historic stream corridor, including removal of the Vilas Dam, in the Sierra Vista Preserve, and certifies that the restoration project is Categorically Exempt from CEQA pursuant to CEQA Guideline Section 15333.

BE IT FURTHER RESOLVED, that the Board further directs that the General Manager is hereby authorized and directed, on behalf of the Authority and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

PASSED, APPROVED AND ADOPTED this 24th day of June, 2010, by the following vote:

AYES:

NOES:

ABSENT:

S. Hall, Chairperson
Santa Clara County Open Space Authority

APPROVED AS TO FORM:

ATTEST:

William Parkin, Legal Counsel

Lauren Monack, Clerk of the Board