

CALENDAR ITEM
C77

MINUTE ITEM
This Calendar Item No. C77
was approved as Minute Item
No. 77 by the State Lands
Commission by a vote of 3
to 0 at its 10/17/95
meeting. 10/17/95
W 25257
Frey
Sturgess

A)
) Statewide
S)

APPROVE EXECUTION OF AN AGREEMENT AND TRANSFER OF
CUSTODY OF THE OLIVER HOWARD SURVEY RECORDS
TO THE LAKE MENDOCINO CHAPTER OF THE
CALIFORNIA LAND SURVEYORS ASSOCIATION AND
THE COUNTY OF MENDOCINO

APPLICANT:

State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202

Lake Mendocino Chapter of the California Land Surveyors Association
Attn: Mr. Thomas M. Herman, President
P.O. Box 38
93 South Main Street
Willits, California 95490

The Oliver O. Howard - LS 2332 - collection of survey notes and plats for Mendocino and Sonoma County was acquired by the Commission in 1988. Agreements for the transfer of custody to the Lake - Mendocino Chapter of the California Land Surveyors Association (Association) and the County of Mendocino Department of Public Works (County Surveyor's Office) to house and catalogue said collection for the benefit of the general public have been negotiated and are attached as Exhibit "A". One is a ten-year agreement that includes five-year renewals, reserves ownership of the collection with the State, and includes the right of termination.

Staff is recommending that the Commission approve the execution of the agreement by the Executive Officer and the subsequent transfer of the collection.

Approval would relieve staff of research time resulting from private and public requests, while providing staff access to data. The Association management will further increase useability by the preparation of an index of the collection.

EXHIBIT:

A. Agreements to provide custodial services for the Oliver Howard Survey records.

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STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

- 1. Pursuant to the Commission's delegation of authority and the State CEQA Guideline (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.
- 2. APPROVE AND AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT ATTACHED HERETO AS EXHIBIT "A" WITH LAKE - MENDOCINO CHAPTER OF THE CALIFORNIA LAND SURVEYORS ASSOCIATION AND THE COUNTY OF MENDOCINO AND TO TRANSFER CUSTODY PER THE TERMS OF SAID AGREEMENT FOR OLIVER HOWARD SURVEY RECORDS.

EXHIBIT A

DPW AGREEMENT NO. 950038

BOS AGREEMENT NO. 95-053

COUNTY OF MENDOCINO DEPARTMENT OF PUBLIC WORKS

AGREEMENT TO PROVIDE CUSTODIAL SERVICE FOR THE OLIVER HOWARD SURVEY RECORDS (NOTES AND PLATS)

THIS AGREEMENT, made and entered into this 25th day of April, 1995, by and between the COUNTY OF MENDOCINO, (hereinafter referred to as "COUNTY"), and LAKE-MENDOCINO CHAPTER OF THE CALIFORNIA LAND SURVEYORS ASSOCIATION (acting as agent for the California State Lands Commission, hereinafter referred to as "CHAPTER").

ARTICLE I INTENT OF AGREEMENT

1.01 WHEREAS, the COUNTY and the CHAPTER mutually agree there is a need to best serve the Surveying and Engineering Community by placing the Oliver Howard Survey Records where they are centrally and conveniently located to both the public and private sector for research, reference and copying purposes; and

1.02 WHEREAS, the COUNTY and the CHAPTER desire to enter into an agreement, whereby the COUNTY provides certain custodial and other services in order to satisfy said need; and

NOW THEREFORE, in order to satisfy said need and desire, the CHAPTER agrees to perform those services as set forth in Article II hereof and the County agrees to perform those services as set forth in Article III hereof.

ARTICLE II SERVICES OF CHAPTER

2.01 CHAPTER agrees to provide the following services:

1. Deliver Oliver Howard Survey Notes and Plats to the Mendocino County Department of Public Works Office, 340 Lake Mendocino Drive, Ukiah, California.
2. Provide adequate file cabinets to house all notes, plats, card index and other items pertaining thereto as needed.

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3. As resources permit, complete inventory and indexing for all notes and plats on 3" x 5" cards. Index referencing to be both geographical and by client name.
4. Accept responsibility for copying the records on microfiche or by other means (as resources permit), in order to protect against loss by fire, theft or other disaster.

ARTICLE III SERVICES OF COUNTY

3.01 COUNTY agrees to provide the following services:

1. Provide space for and serve as custodian of the Oliver Howard Survey Notes and Plats in the manner and custom that is commonly given to all public records placed in the office of the Department of Public Works, (County Surveyor's Office).
2. Make the Oliver Howard files available to the public during established County office hours.
3. Provide copying and reproduction services at County/Standard fee rates in effect at the time of service.

ARTICLE IV COUNTY HOLD HARMLESS

It is mutually understood and agreed by both parties that COUNTY shall, under this Agreement, be acting only as Custodian of the Oliver Howard Survey Records for the benefit of the general public in the manner and custom that is commonly given to all public records placed in the office of the Department of Public Works (County Surveyor's Office) and shall not be held responsible for their authenticity or correctness and further shall be held harmless for any loss due to fire, theft or other disaster.

ARTICLE V TIME OF AGREEMENT

4.01 This Agreement shall take effect upon ratification by both COUNTY and CHAPTER and delivery of Oliver Howard files to COUNTY as set forth herein and shall continue in effect until such time as either of the following shall occur:

- (A) Thirty (30) days after written notice of termination by COUNTY to CHAPTER.

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- B. Upon written notice of termination by CHAPTER to COUNTY and files are removed from COUNTY Facility.

ARTICLE VI
PAYMENT FOR SERVICES

No payment for services shall be charged by either party except copying and reproduction services as set forth in Article III above.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

LAKE-MENDOCINO CHAPTER, CALIFORNIA LAND SURVEYORS ASSOC. (Acting as Agent for the California State Lands Commission)

By: Gordon Haggitt
Gordon Haggitt, Chapter President

3/22/95
Date

ATTEST: E. L. Clark
E. L. Clark,
Chapter Secretary

3/6/95
Date

COUNTY OF MENDOCINO

By: Seiji Sugawara
Seiji Sugawara, Chairman
Board of Supervisors

4/25/95
Date

ATTEST: Joyce A. Beard
Joyce Beard, Clerk of
the Board of Supervisors

4/25/95
Date

I hereby certify that according to provisions of Government Code Section 25103, delivery of this document has been made.

JOYCE A. BEARD
Clerk of the Board

By: Kurt Eger
DEPUTY

RECOMMENDED FOR APPROVAL

C. F. Campbell 4.19.95
C. F. Campbell, County Surveyor/
Mendocino County

Date

APPROVED AS TO FORM

H. Peter Klein
H. Peter Klein, County Counsel
Mendocino County

4-14-95
Date

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