



## Agenda Item Summary

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**File #: 24-00982**

**Agenda Date: 10/22/2024**

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**Agenda Item Name:**

**Rayonier Right of Entry Agreement**

**Presenter:**

Andi Christman, Land Conservation Program Manager, Environmental Protection Department

**Description:**

A right of entry agreement is required for Land Conservation staff to continue pre-contract site assessment and negotiation with Rayonier on potential acquisition of Rayonier land holdings. The Board previously approved and authorized Chair signature of the same term-limited agreement, the initial term of which has expired, requiring approval and signature of this agreement extending the right of entry term.

**Recommended Action:**

Staff recommend the following Board motions:

- 1) Waive County's non-indemnification policy with regards to this Right of Entry Agreement with Rayonier.
- 2) Approve Right of Entry Agreement and Authorize Chair signature.

**Prior Board Motions:**

On August 13, 2024, the Board 1) waived of the County's non-indemnification policy with regards to this Right of Entry Agreement with Rayonier, and 2) approved the Right of Entry Agreement and Authorize Chair signature.

On August 27, 2024, the Board added fifty Rayonier parcels to the Active Acquisition List in the following ACF project areas: Northeast Flatwoods, Buck Bay Flatwoods, Austin Cary Flatwoods, Lake Santa Fe, and Santa Fe River (Full Price List)

**Fiscal Note:**

N/A, no new expenditures are authorized through this action.

On 8/13/24, the addition of these parcels to the Active Acquisition list authorized due diligence expenditures on this property funded through Project 6184160- WSPP-General Operating & Due Diligence: 140.41.4160.537.31.00.

If a contract is negotiated, it will be brought to the Board for approval and execution or exercise, and acquisition will be funded through Project 6194101-WSPP-Land Acquisition: 140.41.4160.537.61.00.

**Strategic Guide:**  
Environment

**Background:**

The Agreement authorizes County staff to enter onto Rayonier property, and is a requirement of Rayonier for all lands. This would authorize Conservation Lands staff members in a County pickup truck. The agreement is valid for 29 days from execution specifically to allow County staff to work on pre-contract site evaluation and assessment while negotiating a contract for acquisition from Rayonier.

The Board previously approved waiver of indemnification and authorized Chair signature on this same agreement at the BoCC Regular meeting on August 13, 2024. Rayonier's agreement is term-limited, and that initial agreement term has expired, necessitating a new signature.

The following assessment was made prior to first signature of this agreement on August 13, 2024: Per the County Asst. Risk Manager (Amy Childs) and Conservation Lands' Senior Asst. County Attorney (Dave Forziano) - In signing the agreement, the County waives sovereign immunity under this agreement, indemnifies and defends Rayonier from liability associated with County staff entering onto the property. (If County staff were injured, or the County truck were damaged, or somehow damaged Rayonier property, the County would be responsible.) Risk Management's Deputy County Attorney (Bob Swain) has assessed the Risk to be low for this activity.

This type of site visit is a normal part of the Land Conservation work in land acquisition, and staff are extremely experienced in all aspects of this type of visit and site conditions.