ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY • LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

NOTICE OF REGULAR MEETING OF BOARD OF DIRECTORS

DATE: **Wednesday, January 21, 2015**

TIME: **7:00 p.m.**

LOCATION: **Zone 7 Administration Building**
100 North Canyons Parkway, Livermore, California

Any member of the public desiring to address the Board on an item under discussion may do so upon receiving recognition from the President. After receiving recognition, please step to the podium and state your name and address.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the Zone 7 Administrative Building lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the Zone 7 Board Secretary, Judy Rector, at (925) 454-5053 or fax (925) 454-5724. Notification 48 hours prior to the meeting will enable Zone 7 to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

A G E N D A

1. Call Meeting to Order
2. Pledge of Allegiance
3. Citizens Forum

   This is an opportunity for members of the public to speak on an item not listed on the agenda. The Board cannot deliberate or take action on a non-agenda item unless it is an emergency as defined under Government Code Section 54954.2.

4. Minutes of the Regular Meeting of December 17, 2014
5. Consent Calendar

   a. Contract Change Order for PPWTP Centrifuge Equipment System Rental Service
   b. Amendment to Arroyo Mocho Access Easement at Oaks Business Park, Livermore
   c. Accept Easement from City of Livermore for an Underground Electric Line
   d. Easement Amendments for Cross Valley Pipeline with CarMax Auto Superstores California and Stoneridge Chrysler Jeep Dodge, Pleasanton
   e. Cost Sharing Agreement for Invasive Mussel Inspection Program at Lake Del Valle
   f. Professional Services Agreement with West Yost Associates

6. Staffing Update:

   a. November Employee of the Month Recognition

7. Contract with Morrison & Associates, Inc. for Outreach Program Support Services

   Recommended Action: Adopt resolution.

8. First Reading of Proposed Zone 7 Well Ordinance

   Recommended Action: First Reading.

9. Committees - Retailers/Wholesaler Liaison Committee Meeting - November 17, 2014 - draft notes
Finance Committee Meeting - January 8, 2015 - notes
Water Resources Committee Meeting - January 13, 2015 - notes

10. Reports - Directors

    a. Verbal comments by President
    b. Written report by Director Quigley
    c. Verbal reports

11. Items for Future Agenda - Directors

12. Staff Reports (Information items. No action will be taken.)

    a. General Manager's Report
    b. Monthly Budget Report
    c. December Legislative Update
    d. December Outreach Activities
    e. Update Related to the Bay Delta Conservation Plan
    f. Drought Update
    g. Verbal Reports

13. CLOSED SESSION

    (a) Conference with Legal Counsel - Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d) (2): 3 cases

    (b) Conference with Legal Counsel - Potential litigation pursuant to Gov't Code section 54956.9(d) (3): 1 case

    (c) Conference with Legal Counsel - Existing litigation pursuant to Gov't Code Section 54956.9(d) (1): Alameda County Flood Control and Water Conservation District, Zone 7 v. Pleasanton Gravel Co., Alameda County case no. HG14724177

    (d) Conference with Labor Negotiators:
    Agency Negotiator: G.F. Duerig
    Employee Organizations: Alameda County Management Employees Association; Alameda County Building and Construction Trades Council, Local 342, AFL-CIO; International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; Local 1021 of the Service Employees International Union, CTW; Unrepresented Management.

14. Open Session and Report Out of Closed Session

15. Verbal Reports

16. Adjournment

17. Upcoming Board Schedule: (All meeting locations are in the Boardroom at 100 North Canyons Parkway, Livermore, California, unless otherwise noted)

    a) Special Board Meeting : February 4, 2015,4:00 p.m.- Hilton Garden Inn, 2801 Constitution Drive, Livermore, CA
    b) Retailers/Wholesaler Liaison Committee Meeting - February 5, 2015, City of Pleasanton, 5:00 p.m.
    c) Regular Board Meeting: February 18, 2015, 7:00 p.m.

Materials related to an item on this agenda that have been provided to the Board less than 72 hours prior to the meeting are available for public inspection at the Zone 7 office at the time of, and prior to, the meeting and at www.zone7water.com.
All other material otherwise provided to the Board will be available at the public meeting.

MINUTES OF THE BOARD OF DIRECTORS
ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

REGULAR MEETING

December 17, 2014

The following were present:

DIRECTORS:	SANDY FIGUERS JOHN GRECI JIM MCGRAIL SARAH PALMER DICK QUIGLEY ANGELA RAMIREZ HOLMES BILL STEVENS
DIRECTORS ABSENT:	NONE
ZONE 7 STAFF:	KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING MARGARET CHUN, ACCOUNTING MANAGER JUDY RECTOR, BOARD SECRETARY
COUNSEL:	DAVID ALADJEM, DOWNEY BRAND

Item 1 - Call Meeting to Order

President Greci called the meeting to order at 7:00 p.m.

Item 2 - Pledge of Allegiance

Item 3 - Citizens Forum - none

Item 4 - Minutes of the Regular Meeting of November 19, 2014

Directors Palmer and Ramirez Holmes made minor changes to the minutes on Pages 3 and 7. Director Palmer moved to approve the amended minutes of November 19, 2014, and Director Ramirez Holmes seconded the motion. The minutes were approved by a voice vote of 7-0.

Item 5 - Consent Calendar

Director McGrail asked that Item 5(b) be pulled for discussion.

Director Palmer moved to approve Items 5(a), 5(c) and 5(d) and Director Figuers seconded the motion. The items were passed by 7-0 voice vote.

Item 5(a) Request for Out-of-State Travel to Attend Upcoming Association of California Water Agencies' DC Conference

Resolution No. 15-30 Authorized Director Quigley's attendance at ACWA's Annual DC Conference. (Item 5a)

Item 5(c) Authorization for Commercial Septic System Use, Birch Creek Ranch, LLC, 8433 Patterson Pass Road, Livermore

Resolution No. 15-32 Authorized the use of a septic tank system for a commercial equine facility on Patterson Pass Road. (Item 5c).

Item 5(d) Trail License Agreement and Storm Drain Maintenance Agreement with City of Pleasanton, Lake I

Resolution No. 15-33 Authorized the second amendment to the License Agreement with the City of Pleasanton to revise the exhibit approved in the first amendment to include the proposed change in the trail location. (Item 5d -1)

Resolution No. 15-34 Authorized executing a Storm Drain Maintenance Agreement with the City of Pleasanton for the area along the southern portion of Lake I. (Item 5d -2)

Item 5(b) Annual Report on Collection and Use of Development Fees

Director McGrail had questions about the agenda item, specifically, why this report was coming to the Board, and also the cost for the impervious surface fee.

Mr. Arends said there are two issues to address: 1) Ms. Chun said that Zone 7 is required by the California Government Code to issue an annual report. 2) It is a regulatory requirement to provide this annual report, it is not a discussion of the amount of the fee charged. Mr. Arends said that a development impact fee study was done five years ago. Staff is currently in the process of updating the Stream Management Master Plan (SMMP) which will identify flood control improvements needed throughout the valley and what portion of those improvements are due to additional development and that update will establish the basis for any fee updates.. The fee was worked out with retailers and cities in the valley. There will be similar discussions about any proposed fee adjustment and the definition of impervious surface at that time.

Director Quigley suggested that the table attached to the staff report may be a good bullet-point discussion for the Liaison Committee.

Director Palmer moved to approve Items 5(b) and Director Quigley seconded the motion. The item passed by 7-0 voice vote.

Resolution No. 15-31 Accepted the annual report of development fee revenues and expenditures for the fiscal year ending June 30, 2014.

Item 6 - Staffing Update

Mr. Arends announced that the October Employee of the Month was Dr. Amparo Flores, Associate Civil Engineer in the Integrated Planning Section. Dr. Flores was present and the Board applauded her. Director Ramirez Holmes noted that she has been at meetings with Amparo where she does presentations and is very knowledgeable, well received, and can answer any questions from any elected official.

Item 7 – Independent Auditor's Report and Annual Financial Statements for Fiscal Year Ending June 30, 2014

Director Figuers offered his comments about the Finance Committee meeting on the audit in combination with the presentation by Margaret Chun, Accounting Manager. Committee members agreed to have staff flag 10 percent variances for the next Committee meeting.

Ms. Chun gave a quick overview of the auditor's findings by Maze & Associates. The auditor's report was presented to the Finance Committee on December 8 and there was a lot of discussion, questions and requests for additional information. The purpose of the audit is to insure agency compliance with generally accepted accounting principles and current reporting requirements to obtain reasonable assurance that the financial statements are free of material misstatement and to review internal controls, including work assignments, to determine if a conflict of duties is present. The audit scope includes controlled testing and sampling of accounting transactions and those are usually centered on revenue and accounts receivable disbursements, accounts payable, payroll expenditures and liabilities. The audit this year concluded that the accounting is in conformity with generally accepted accounting principles, that internal controls are adequate, and that financial statements present fairly in all material respects the Agency's financial position and cash flows for the year.

Director Ramirez Holmes noted that the Finance Committee members will be looking further at the process with the auditors on how the Finance Committee operates and the reports they are interested in looking at. The auditors suggested that it might be helpful to have a workshop. The Finance Committee members are unanimously interested in pursuing a work plan in January and creating a financial policy on audits.

Director Quigley said he would like a full board workshop per the auditors' suggestion. Director Palmer agreed that the meeting itself was productive and the Committee Members came up with some good things to go forward.

David Alvey from Maze & Associates summarized the audit to the Board. He told the Board that the only pages in the audit that his firm "owns" are Pages 1 and 2, the audit opinion. He said he was pleased to announce that Zone 7 has an unmodified "clean" opinion, which is the highest level of assurance that a CPA firm can give to an Agency. The auditors are hired by the Board and are paid to report to the Board if they find anything wrong which is the Memorandum on Internal Control. Any material weakness or a significant deficiency would be reported in that memo but none were found. Mr. Alvey said they do a very thorough job of looking for errors so it is commendable that there is nothing there. The Governmental Accounting Standards Board Statement No. 68 will be coming up next year with pension liabilities from Alameda County on the books that will make the financials look different. Director Ramirez Holmes said that the Finance Committee had a discussion about the pension issue and are keeping an eye on it as part of the work plan for 2015.

Director Figuers moved to approve Item 7 and Director Palmer seconded the motion. The item passed by a voice vote of 7-0.

Resolution No. 15-35	Accepted the independent auditor's report, basic financial statements and supplementary information for the fiscal year ending June 30, 2014.

Item 8 - Committees – Finance Committee – December 8, 2014 – notes
Retailers/Wholesaler Liaison Committee Meeting – November 17, 2014 – notes pending

Item 9 - Reports - Directors

a. Verbal comments by President - none
b. Written report by Director Quigley
c. Verbal Reports

Director Figuers reported that the heavy rain on Sunday night, December 14, washed out the main water supply line to Del Valle Regional Park that was installed in the '60s. Water stored in the storage tank is now being used but when the tank runs out of water, the park will be shut down. Director Figuers had a conversation with Dan McIntyre, City of Livermore, about whether Zone 7 or the City of Livermore could contribute to create an emergency bypass pipeline to allow East Bay Regional Park District (EBRPD) to operate the park until they replace the entire pipeline. Director Ramirez Holmes asked if this is an item for an agenda, for staff or information only. Director Figuers said he did not know who on Zone 7's staff may be most familiar with EBRPD staff but perhaps a conversation about short-term help from Zone 7 could take place. This is the first time the other directors or staff heard about the problem with the water supply line to Del Valle. Director Palmer suggested waiting to see what EBRPD is doing.

Director Ramirez Holmes reported on attending swearing in ceremonies for both the Dublin City Council and the Pleasanton City Council. December 10th she attended a webinar on the Sustainable Groundwater Management Act, What You Need to Know. At the December 16th Pleasanton City Council meeting, Dan Smith did an update on the drought and Pleasanton's numbers are at 28% reduction and 96% compliance with their drought restrictions. The East Pleasanton Specific Plan Task Force finished its draft report about the EIR and continuation, which went to Council. The base plan is 1300 single-family residential units but there is a range of options such as a park and trails. Zone 7 staff has provided comments on some of those and there was a lot of discussion at Council level about Zone 7's mission and whether the park and trails are feasible by using the Chain of Lakes. Negotiations with Zone 7 would happen after they get a plan, complete the EIR and talk about which kind of infrastructure and amenities are affordable. As long as the plan adheres to the mission and there is no cost to the Zone, Zone 7 is open to discussions. The EIR should be finished the first half of next year.

Director Quigley told the Board about the ACWA Conference in San Diego. Eric Garner, the keynote speaker, spoke about groundwater legislation and how water management will change in California.

Item 10 - Items for Future Agendas - Directors

Item 11 - Staff Reports (Information items. No action will be taken.)

a. Monthly Budget Report
b. November Legislative Update
c. November Outreach Activities
d. Drought Update
e. Verbal Reports

Mr. Arends gave a verbal report on receipt of the 2013 Government Finance Officers Association Organization Distinguished Budget Presentation Award. This is the second time Zone 7 has won this award and he congratulated the Finance staff.

Director Ramirez Holmes pointed out that in Staff Report 11(d) Drought Update, on carryover supplies in 2015, 10,300 AF of 2014 supplies were saved for 2015 use. She thanked Tri-Valley residents for their hard work in conservation and that we have water left over that will be carried into 2015. We need more rain to refill reservoirs and get out of the drought.

The Board went into closed session at 7:35 p.m.

Item 12 - Closed Session

(a) Conference with Legal Counsel - Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d) (2): 3 cases

(b) Conference with Legal Counsel - Potential litigation pursuant to Gov't Code section 54956.9(d) (3): 1 case

(c) Conference with Legal Counsel - Existing litigation pursuant to Gov't Code Section 54956.9(d) (1):

Alameda County Flood Control and Water Conservation District, Zone 7 v. Pleasanton Gravel Co., Alameda County Case No. HG14724177

(d) Conference with Labor Negotiators:
Agency Negotiator: G.F. Duerig
Employee Organizations: Alameda County Management Employees Association; Alameda County Building and Construction Trades Council, Local 342, AFL-CIO; International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; Local 1021 of the Service Employees International Union, CTW; Unrepresented Management.

Item 13 - Open Session and Report Out of Closed Session

The Board came out of Closed Session at 8:15 p.m. and President Greci reported there were no reportable actions taken in closed session.

Item 14 - Adjournment

The meeting was adjourned at 8:16 p.m.

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: OPERATIONS
CONTACT: COLTER ANDERSEN

AGENDA DATE: January 21, 2015 ITEM NO. **5a**

SUBJECT: Contract Change Order for PPWTP Centrifuge Equipment System Rental Service

SUMMARY:

- Operations has had to historically reduce plant production due to the limited capacity of the existing sludge drying beds.
- A CIP project to expand the sludge handling facilities is planned for completion in FY 2020/2021.
- In the interim, mechanical dewatering equipment has been leased to supplement the existing sludge handling facilities.
- In December 2012, the Board awarded a rental services contract which includes operating and maintaining the centrifuge at PPWTP to Karl Needham Enterprises, Inc. (KNE), in an amount not-to-exceed $488,125, with an option to extend the contract for up to two additional years, for a total of three years. Additionally, the General Manager was authorized to negotiate and issue change orders, if and when needed, in an amount not-to-exceed $48,000 per year (10% of the contract amount).
- In order to continue meeting water treatment regulatory requirements while experiencing challenging source water quality conditions, high coagulant dosages were needed in 2014, which resulted in a greater amount of sludge production than anticipated.
- The increased volume of sludge production increased the operating cost of KNE in excess of the contract amount plus contingency so a contract change order is necessary to cover the extra solids handling costs incurred in 2014.
- KNE will be entering the third and final year of the contract in CY 2015, and staff continues to be satisfied with their performance.

FUNDING:

Funds are available in Fund 100 – Water Enterprise.

RECOMMENDED ACTION:

Adopt the attached resolution to authorize the General Manager to execute a contract change order with Karl Needham Enterprises, Inc. for additional centrifuge rental services in an amount of $30,000 for a new not-to-exceed total for CY 2014 of $566,125.

ATTACHMENTS:

Memo providing additional background and discussion of agenda item
Zone 7 Board Resolution

Interoffice Memo

Date: January 21, 2015
To: Jill Duerig, General Manager
From: Colter Andersen, Operations Manager
Subject: Contract Change Order for PPWTP Centrifuge Equipment System Rental Service

The following provides additional background and discussion on the above-referenced agenda item.

BACKGROUND:

The existing sludge drying beds at Patterson Pass Water Treatment Plant (PPWTP) have limited capacity such that, historically, Operations has had to reduce plant production in order to reduce the amount of sludge produced during the treatment process. In 2011, Zone 7 staff completed a study to determine the long-term sludge handling needs at the plant. The study recommended the expansion of sludge handling facilities, which is in the Capital Improvement Program (CIP) under the PPWTP Sludge Handling Improvements Project. In order to allow time to plan, design, and construct permanent sludge handling facilities with minimal disruption to existing plant production while coordinating the project with future plant expansion needs, the project is planned for completion in FY 2020/2021. In the interim, mechanical dewatering equipment has been leased to supplement the existing sludge handling facilities.

At the December 2012 Board meeting, a rental services contract for the equipment plus labor to operate and maintain the centrifuge at PPWTP was awarded to Karl Needham Enterprises (KNE), Inc., in an amount not-to-exceed $488,125 annually, with an option to extend the contract for up to two additional years, for a total of three years. Additionally, the General Manager was authorized to negotiate and issue change orders, if and when needed, in an amount not-to-exceed $48,000 per year (10% of the contract amount). The contract is structured such that KNE is paid based upon the amount of sludge processed at the plant. Sludge estimates were developed based upon the historical average of ferric chloride dosing (approximately 25 mg/L). The ferric chloride dosing average and projected treatment plant production at Patterson Pass equated to approximately 20 million gallons (MG) of sludge processed annually.

DISCUSSION:

Prior to plant startup after a long-term shutdown and when there is significant change in source water quality, Operations performs bench-scale jar testing to determine the approximate starting dose for the ferric chloride coagulant. The coagulant dosage is then adjusted as needed based upon plant performance, particularly the settled and filtered water turbidity levels. During this past year, the source water had particularly high levels of disinfection byproduct (DBP) precursors, as indicated by total organic carbon (TOC) levels, which required Operations to increase the ferric chloride dosage in order to meet the enhanced coagulation requirements of the California Division of Drinking Water's Stage 1 Disinfectants and Disinfection Byproducts (D/DBP) Rule. Operating in this manner may require a higher coagulant dosage than would be needed to lower turbidity, which generates more chemical solids and increases plant solids handling and disposal costs. In the last couple of years, though the treatment plants produced less water due to drought conditions, ferric chloride dosing averages were higher than typical, such that sludge production remained high.

In calendar year (CY) 2013, which was the first year of the centrifuge rental services contract, the ferric chloride dose averaged 28 mg/L, ranging from 20 to 36 mg/L, with a total of 28.5 MG of sludge processed. A change order was executed for $48,000 (10% of the contract amount) to cover costs over the bid item limiting the sludge amount to 20 MG, and the contract was extended for an additional year in an amount not-to-exceed $488,125. In CY 2014, the ferric chloride dose averaged 38 mg/L, ranging from 20 to 54 mg/L, with a total of 30.2 MG of sludge processed. The $48,000 of contingency funds is insufficient to cover the estimated $75,327.68 above the contract amount for CY 2014. A contract change order for a not-to-exceed amount of $30,000 is necessary to cover the extra cost for CY 2014.

In CY 2015, the third and final year of the KNE contract, it may be necessary for PPWTP to continue operating at high ferric chloride dosages in order to meet the enhanced coagulation regulatory requirements. Potentially higher plant production (depending on the drought) may result in greater sludge production and impact the KNE contract as well. As the year unfolds, Zone 7 Operations and Engineering staff will continue to monitor water quality and sludge production to determine whether additional funding is needed for CY 2015.

RECOMMENDATION:

Staff recommends that the Zone 7 Board authorize the General Manager to execute a contract change order with KNE for additional centrifuge rental services during CY 2014 in an amount not-to-exceed $30,000.

FUNDING:

Funds are available in Fund 100 – Water Enterprise.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Contract Change Order for Centrifuge Equipment System Rental Services at Patterson Pass Water Treatment Plant

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District is using Centrifuge Equipment System Rental Services at PPWTP; and

WHEREAS, the rental services contract was advertised for bids and the lowest responsible bid and only bid received is the bid by Karl Needham Enterprises, Inc. (KNE), in the amount of $488,125.00; and

WHEREAS, the Zone 7 Board approved a $488,125.00 centrifuge rental services contract with KNE and authorized the General Manager to negotiate and execute change orders as and when needed in an amount not to exceed $48,000 per year; and

WHEREAS, as a result of more challenging source water quality due to the drought conditions, higher coagulant dosages were needed for water treatment at PPWTP; and

WHEREAS, the higher coagulant dosages increased the cost of KNE services to process the sludge such that the cost for CY 2014 exceeded the contract amount plus contingency in the amount of approximately $30,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to issue change orders for calendar year 2014 for additional KNE services in an amount of $30,000 for a total not-to-exceed amount of $566,125.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on January 21, 2015.

By ____
President, Board of Directors

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: Engineering
CONTACT: Dennis Gambs/Jarnail Chahal

AGENDA DATE: January 21, 2015 ITEM NO. **5b**

SUBJECT: Amendment to Arroyo Mocho Access Easement at Oaks Business Park, Livermore

SUMMARY:

- The City of Livermore approved a development by Livermore Oaks Joint Venture LLC, which includes vacating Voyager Court, Zone 7's point of access to the Arroyo Mocho.
- As part of the approved development, Livermore Oaks Joint Venture LLC will construct a new access road connecting Challenger Street to the Arroyo Mocho prior to the removal of Voyager Court and the existing access road.
- As a result of relocating the existing access road, which is also shared by the City of Livermore and PG&E, the easement area needs to be revised to coincide with the new road alignment.
- A proposed Amendment to the Grant of Easement has been prepared that revises the easement area to extend from Challenger Street to the Arroyo Mocho.
- The City of Livermore has approved the Amendment to the Grant of Easement and PG&E is in the approval process.

FUNDING:

There is no funding impact.

RECOMMENDED ACTION:

Adopt attached resolution authorizing the General Manager to negotiate, accept and record the Amended Grant of Access Easement with Livermore Oaks Joint Venture LLC, City of Livermore and PG&E for Arroyo Mocho Channel Ingress-Egress at the Oaks Business Park.

ATTACHMENTS:

Memo providing additional background and discussion
Resolution
Amendment to Grant of Easement w/Exhibit B
Easement Relocation Map
Location Map

INTEROFFICE MEMO

Date: January 21, 2015
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Amendment to Arroyo Mocho Access Easement at Oaks Business Park, Livermore

The following provides additional background and discussion on the above-referenced agenda item.

BACKGROUND:

The City of Livermore approved a development by Livermore Oaks Joint Venture LLC, which includes a building where the existing Voyager Court is located, which will require removing and vacating the street. Currently, Zone 7's access to the Arroyo Mocho Channel is from Voyager Court. The portion of Zone 7's access road that extends from the south end of Voyager Court to the Arroyo Mocho will be extended westward and connect to a newly-constructed Challenger Street to provide for continued access.

The City of Livermore and PG&E also use the access road. As part of the approved development, Livermore Oaks Joint Venture LLC will construct Challenger Street and the new access road prior to the removal of Voyager Court and the existing access road.

DISCUSSION:

As a result of the relocation of access from Voyager Court to Challenger Street, the existing easement for access to the properties south of the development needs to be revised to relocate the easement area to include the extended access road. The proposed Amendment to the Grant of Easement would revise the easement area to extend from Challenger Street to the Arroyo Mocho with the provision that as soon as the new access road has been constructed, and Challenger Street is open for public use, the previous area will be extinguished from easement.

Staff recommends that the Board of Directors adopt the attached resolution authorizing the General Manager to negotiate and execute an Amended Grant of Access Easements with Livermore Oaks Joint Venture LLC and to record the same.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Amendment to Easement with Livermore Oaks Joint Venture LLC, City of Livermore and PG&E

WHEREAS, Livermore Oaks Joint Venture LLC is developing property they own as part of Oaks Business Park; and

WHEREAS, Alameda County Flood Control and Water Conservation District, Zone 7 holds an easement on the property which provides access to the Arroyo Mocho Channel from Voyager Court; and

WHEREAS, development of the property includes removing and vacating Voyager Court and relocating the access to the channel from Voyager Court to Challenger Street; and

WHEREAS, an Amendment to the Grant of Easement has been prepared revising the easement area to coincide with the new access road alignment (No.70188).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute an Amendment to the Grant of Easement, and to execute a certificate of acceptance causing the same to be recorded at the Office of the Recorder of Alameda County.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on January 21, 2015.

By: ______________________________
President, Board of Directors

Line G
No. 70188
Map: RF 10137

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

THIS SPACE ABOVE FOR RECORDER'S USE

APN: 904-0012-008-00

AMENDMENT TO
GRANT OF EASEMENT
(Oaks Business Park – Arroyo Mocho Channel Ingress-Egress)

This AMENDMENT TO GRANT OF EASEMENT ("**Amendment**"), is made and executed as of _______________, 2014 by and between LIVERMORE OAKS JOINT VENTURE LLC, a Delaware limited liability Company ("**LOJV**"), ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, Zone 7, a body corporate and politic ("**Zone 7**"), CITY OF LIVERMORE, a municipal corporation ("**City**"), and PACIFIC GAS AND ELECTRIC COMPANY, a California corporation ("**PGE**"), with reference to the facts set forth below. LOJV, Zone 7, City and PGE, and their respective successors and assigns, are sometimes hereinafter referred to individually as a "**Party**" and collectively as the "**Parties.**"

RECITALS

A. LOJV owns certain real property situated in the City of Livermore, County of Alameda, State of California, as more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference (the "**LOJV Property**").

B. Zone 7, City and PGE (collectively, "**Grantees**") were granted certain roadway easements over the LOJV Property to facilitate use of Voyager Street pursuant to the terms of that certain Grant of Easement dated July 27, 2011 between LOJV's predecessor in interest, Livermore Airway Associates, LLC, a Delaware limited liability company, and the Grantees, recorded in the Official Records of Alameda County on July 27, 2011, as Document No. 2011216484 ("**Grant of Easement**").

C. LOJV proposes to vacate Voyager Street as part of its City approved development of the LOJV Property and, in connection therewith, desires to relocate the easement granted to the Grantees by amending the Grant of Easement.

D. Section 12.1 of the Grant of Easement provides that it may be "amended, modified or supplemented only by a writing signed by all parties" and the parties desire to amend the Grant of Easements as described below.

NOW, THEREFORE, in consideration of the recitals, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as set forth below.

1. Defined Terms. Except as otherwise provided in this Amendment, all initially capitalized terms shall have the meanings set forth in the Grant of Easement.

2. Amended Easement Area. Effective upon the Acceptance Date (as described herein), LOJV hereby grants to Grantees a 25-foot wide easement ("**Easement**") upon, across, over, under and through those portions of the LOJV Property more particularly described and depicted in **Exhibit "B"** as the "Amended Easement Area" attached hereto and incorporated herein (the "**Amended Easement Area**") for the purposes set forth in the Grant of Easement, which include for (i) use as a private roadway for ingress and egress by cars, trucks and other vehicles and equipment; and (ii) construction, installation, maintenance, repairs, reconstruction and replacement of any roads or related improvements located at any time within the Amended Easement Area. The Parties acknowledge that the Amended Easement Area is intended to provide Grantees with ingress and egress to Arroyo Mocho Channel via Challenger Street, which will be dedicated to the City of Livermore as a public street in connection with Parcel Map 10266. The Livermore City Council approved Tentative Parcel Map 10266 on October 27, 2014, and Grantor expects to obtain final approval of Parcel Map 10266 from the City soon. As used herein, the "**Acceptance Date**" means the date that (i) LOJV has completed installation of roadway improvements over the Amended Easement Area pursuant to Section 3 below and (ii) the City has accepted the dedication of Challenger Street for use by the general public. The existing easement area and Voyager Street shall remain available and usable until Challenger Street has been made available for use by the Grantees. The Amended Easement Area will be subject to the same terms, conditions and obligations as set forth in the Grant of Easement.

3. Amended Easement Area Improvements. LOJV shall install roadway improvements within the Amended Easement Area at LOJV's sole cost and expense, pursuant to plans and specifications which have been reasonably approved by the Grantees. Following LOJV's initial installation of roadway improvements within the Amended Easement Area, Section 6 of the Grant of Easement shall govern maintenance of the Easement and the Amended Easement Area.

4. Termination of Voyager Street Easements. Upon the Acceptance Date, the Easement over the Base Easement Area and the Voyager Extension Area, as those terms are defined in the Grant of Easement, shall automatically terminate if Challenger Street has been made available by the City for use by the Grantees.

5. Miscellaneous. Except as modified by this Amendment, the Grant of Easement shall remain in full force and effect. This Amendment may be executed in counterparts, each of which, when taken together, shall constitute one fully executed original.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first above written.

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, a body corporate and politic

By:______________________________
Name:____________________________
Title:_____________________________

Dated:_________________________

Approved as to form by:

By:______________________________
Name:____________________________
Title:_____________________________

Dated:_________________________

PACIFIC GAS AND ELECTRIC COMPANY, a California corporation

By:______________________________
Name:____________________________
Title:_____________________________

Dated:_________________________

By:______________________________
Name:____________________________
Title:_____________________________

Dated:_________________________

THE CITY OF LIVERMORE, a municipal corporation

By:______________________________
Name:____________________________
Title:_____________________________

Dated:_________________________

Attest:_________________________

Approved as to form by:

By:______________________________
Name:____________________________
Title:_____________________________

Dated:_________________________

LIVERMORE OAKS JOINT VENTURE LLC, a Delaware limited liability company

By: MEPT Livermore Oaks Member LLC, a Delaware limited liability company, its Managing Member

By: MEPT Edgemoor REIT LLC, a Delaware limited liability company, its Manager

By: NewTower Management LLC, a Delaware limited liability company, its Manager

By: NewTower Trust Company, a Maryland State trust company, its Sole Member

By:__________________
Name:________________
Its:___________________

STATE OF CALIFORNIA)
)
COUNTY OF __________________)

On ___________________, before me, ____________________________, a Notary Public, personally appeared ______________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

____
Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF __________________)

On ___________________, before me, ____________________________, a Notary Public, personally appeared ______________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

____
Notary Public

EXHIBIT "A"

LOJV PROPERTY

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL OF PARCEL C, AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP OF TRACT 7300, FILED FOR RECORD ON APRIL 11, 2006, IN BOOK 291 OF MAPS, AT PAGES 3 THROUGH 11. OFFICIAL RECORDS OF ALAMEDA COUNTY.

EXHIBIT "B"

EASEMENT AREA DEPICTION

RW ACQUISITION MAP NO. 14
ZONE 7 RF-10137

EXHIBIT "B"
LEGAL DESCRIPTION
25' WIDE ACCESS EASEMENT
NO. 70188

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL C, AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP OF TRACT 7300, FILED FOR RECORD ON APRIL 11, 2006, IN BOOK 291 OF MAPS, AT PAGES 3-10, OFFICIAL RECORDS OF ALAMEDA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL C, THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL, SOUTH 89° 25' 04" EAST, 60.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE LEAVING LAST SAID LINE, ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THOUGH A CENTRAL ANGLE OF 68° 26' 10", AN ARC DISTANCE OF 71.67 FEET;

THENCE SOUTH 63° 12' 09" EAST, 29.31 FEET TO A POINT DISTANT 25 FEET NORTHERLY, MEASURED AT RIGHT ANGLES TO SAID SOUTHERLY LINE OF PARCEL C;

THENCE ALONG A LINE PARALLEL WITH SAID SOUTHERLY LINE, SOUTH 89° 25' 04" EAST, 651.73 FEET;

THENCE SOUTH 00° 34' 56" WEST, 25.00 FEET TO SAID SOUTHERLY LINE OF PARCEL C;

THENCE ALONG SAID SOUTHERLY LINE, NORTH 89° 25' 04" WEST, 733.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 17,704± SQUARE FEET OR 0.4064± ACRES OF LAND, MORE OR LESS.

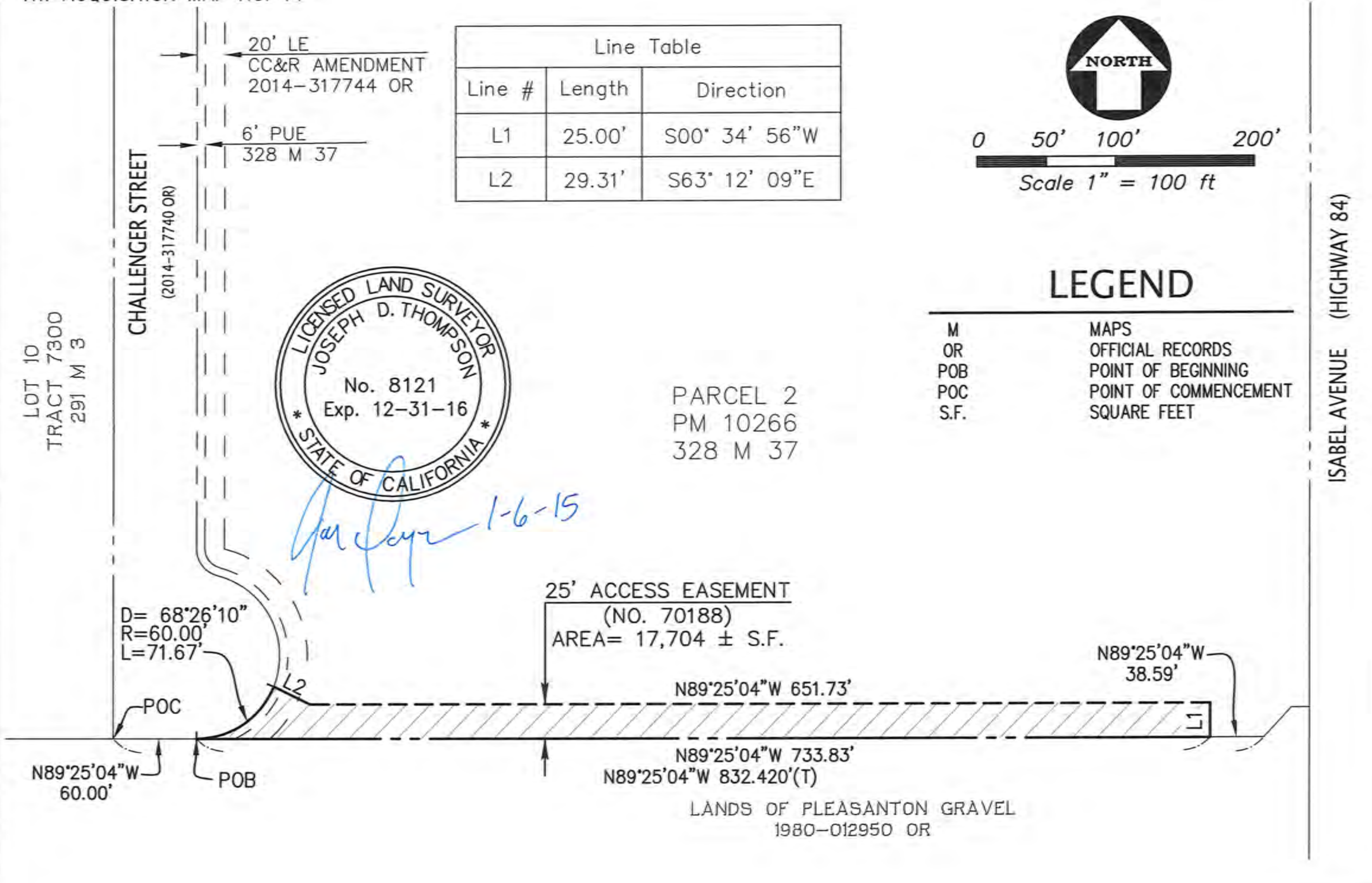
KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

JOSEPH D. THOMPSON, LS 8121
LICENSE EXPIRES: 12/31/2016

1-6-15
DATE

PROFESSIONAL LAND SURVEYOR
JOSEPH THOMPSON
No. 8121
Exp. 12-31-2016
STATE OF CALIFORNIA

RW ACQUISITION MAP NO. 14



Line Table

Line #	Length	Direction
L1	25.00'	S00° 34' 56"W
L2	29.31'	S63° 12' 09"E

LEGEND

M	MAPS
OR	OFFICIAL RECORDS
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
S.F.	SQUARE FEET

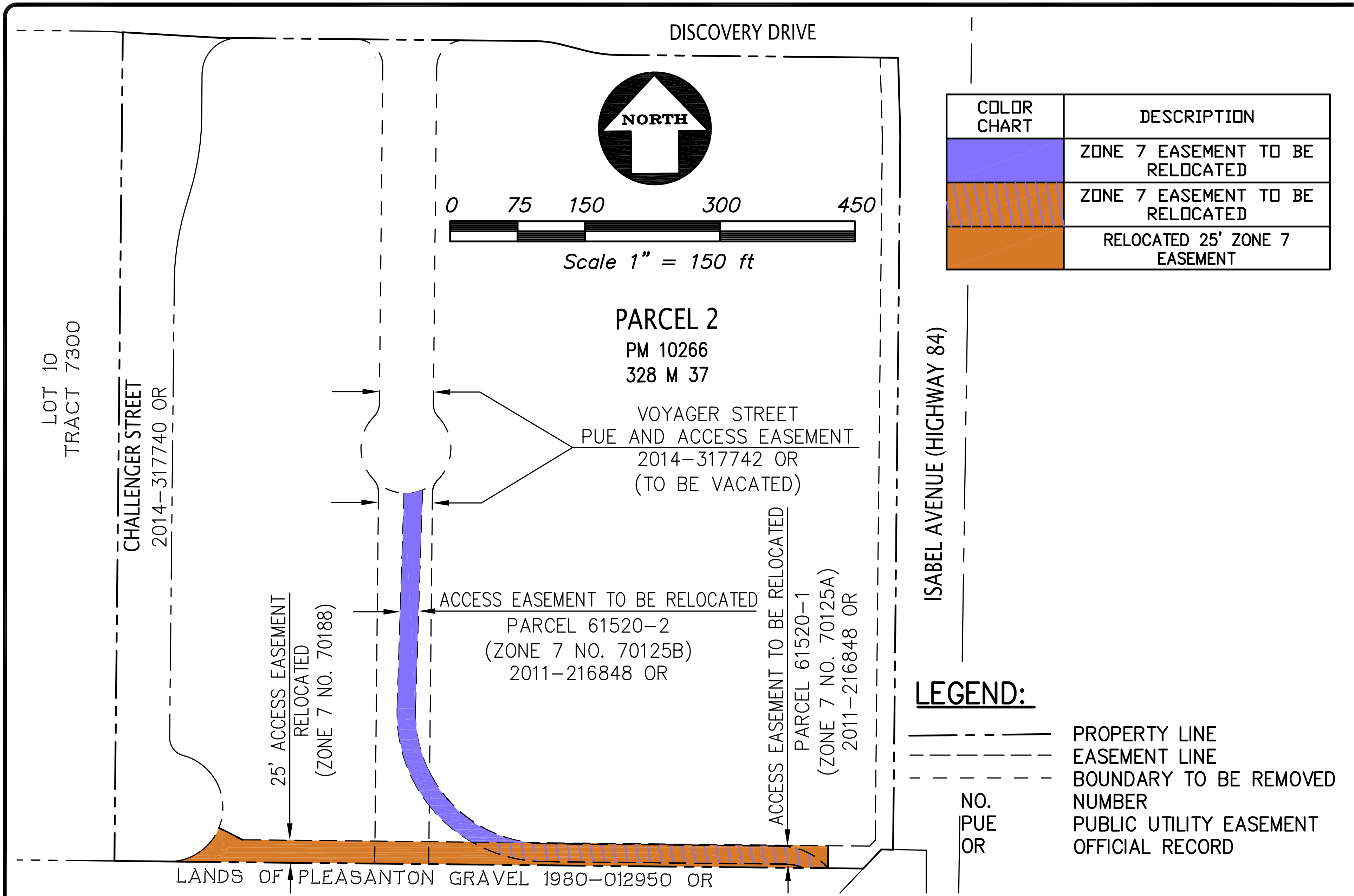
KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2850 Collier Canyon Road
Livermore, California 94551
Phone (925) 245-8788
Fax (925) 245-8796

EXHIBIT B
25' ACCESS EASEMENT

LIVERMORE CALIFORNIA

DATE	JANUARY, 2015
SCALE	1" = 100'
BY	RASII
JOB NO.	96562-27
SHEET	1 OF 1

RF-10137



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2850 Collier Canyon Road
Livermore, California 94551
Phone (925) 245-8788
Fax (925) 245-8796

25' ACCESS EASEMENT
RELOCATION EXHIBIT

LIVERMORE, CALIFORNIA

DATE	JAN, 2015
SCALE	1" = 150'
BY	KJK
JOB NO.	96562-27
SHEET	1 OF 1

Z:\1999-\96562-27\Survey\96562-27-RIGHT OF WAY ACQUISITION MAP ZONE 7.dwg 1-06-15 11:09:54 AM kkeller

ZONE 7 WATER AGENCY 100 North Canyons Parkway Livermore, CA	DRAWN: SJE	SCALE: AS SHOWN	**LOCATION MAP** **ACCESS EASEMENT** **OAKS BUSINESS PARK**
	REVIEWED: DG	DATE: 01/06/2015	
	File: W:/WSE/Staff/Steven/Dennis Gambs/Oaks Business Park Easement.mxd	FIGURE #	

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: Engineering
CONTACT: Dennis Gambs/Jarnail Chahal

AGENDA DATE: January 21, 2015 ITEM NO. **5c**

SUBJECT: Accept Easement from City of Livermore for an Underground Electric Line

SUMMARY:

- The City of Livermore is vacating a segment of Friesman Road in Livermore adjacent to the outlet mall and I-580 in conformance with the El Charro Specific Plan.
- An underground electric line that connects Zone 7's DSRSD Turnout No. 5 and Livermore Turnout No. 11 to the PG&E meter located on a power pole at the east end of Friesman Road is located within this segment of Friesman Road.
- The underground electric line runs parallel and adjacent to Zone 7's existing 25-foot wide waterline easement for the Cross Valley Pipeline.
- The City of Livermore is offering to grant Zone 7 a 5-foot wide electric line easement adjacent to Zone 7's 25-foot wide water line easement (for a total easement width of 30 feet) to provide for Zone 7's maintenance and repair of the electric line.

FUNDING:

There is no funding impact as a result of accepting the electric easement.

RECOMMENDED ACTION:

Adopt attached resolution authorizing the General Manager to negotiate, accept and record the Grant of Easement from the City of Livermore.

ATTACHMENTS:

Memo providing additional background and discussion
Resolution
Vicinity Map
Electric Easement w/exhibit

INTEROFFICE MEMO

Date: January 21, 2015
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Accept Easement from City of Livermore for an underground Electric Line

The following provides additional background and discussion on the above-referenced agenda item.

BACKGROUND:

In July of 2007, the City Council of Livermore approved the El Charro Specific Plan and related development agreements. As a result, Livermore Outlets Drive was realigned such that a segment of the existing Freisman Road, west of Livermore Outlets Drive, will no longer be needed for roadway purposes.

Zone 7 owns and maintains an underground electric line in this segment of Friesman Road which is adjacent to the outlet mall and I-580. This electric line supplying power to Zone 7's DSRSD Turnout No. 5 and Livermore Turnout No. 11 is connected to a PG&E meter located on a power pole at the east end of Friesman Road. These turnout facilities control and meter flows from Zone 7’s Cross Valley Pipeline to the retailer’s distribution systems. Power is needed these site to operate the valve actuators and flow meters within the turnouts.

DISCUSSION:

Now that Livermore Outlets Drive has been re-aligned and opened for public use, a segment of Friesman Road can be vacated and an electric easement granted to Zone 7. Under the Public Utilities Code, section 10101, Zone 7 has a statutory franchise right to maintain the electric line in the public road. However, these rights no longer exist after the city vacates the road.

The City of Livermore is offering to grant Zone 7 a five-foot wide electric easement adjacent to Zone 7’s existing 25-foot wide water line easement for the Cross Valley Pipeline to provide for Zone 7’s perpetual maintenance and repair of the electric line. The electric easement combined with the existing 25-foot wide waterline easement will provide sufficient area to maintain the underground electric line.

Staff recommends that the Board of Directors adopt the attached resolution authorizing the General Manager to negotiate, execute and record the Grant of Easement from the City of Livermore.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Accept Easement from City of Livermore for an underground Electric Line

WHEREAS, the City of Livermore is granting an easement to the Alameda County Flood Control and Water Conservation District, Zone 7 for an underground electric line on the lands designated and described in Exhibit A (No. 70189).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute the electric line easement from the City of Livermore and to execute a certificate of acceptance causing the same to be recorded at the Office of the Recorder of Alameda County.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

DSRSD Turnout No. 5 & Livermore Turnout No. 11
No. 70189
Map: RF-10138

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on January 21, 2015.

By______________________________________
President, Board of Directors

ZONE 7 WATER AGENCY 100 North Canyons Parkway Livermore, CA	DRAWN: SJE		SCALE: AS SHOWN	**LOCATION MAP** **5 FT ELECTRICAL EASEMENT**
	REVIEWED: DG		DATE: 01/06/2015	
	File:	W:/WSE/Staff/Steven/Dennis Gambs/ 5 FT Elec Easement.mxd	FIGURE #	

No Fee for recording
pursuant to Government
Code Section 27383

RECORDING REQUESTED BY:

AND

WHEN RECORDED MAIL TO:
City Clerk
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550

ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

The Undersigned grantor(s) declare(s):
CITY TRANSFER TAX $
DOCUMENTARY TRANSFER TAX $
SURVEY MONUMENT FEE $
Computed on the consideration or value or property conveyed; OR
Computed on the consideration or value less liens or encumbrances remaining at time of sale.

Govt Agency Acquiring Title
R & T Code 11922

Portion of Freisman Road

Exempt from filing fees per Government Code Section §§ 27383 and 6103

ELECTRIC EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

City of Livermore, a Municipal Corporation, hereby Grants a 5.0' wide Electric Easement to Alameda County Flood and Water Conservation District, Zone 7, a body corporate and politic, a perpetual non-exclusive easement for ingress, egress, electric service purposes and related construction and maintenance purposes and incidents thereto under and across that certain real property, situated in the City of Livermore, County of Alameda, State of California, described and depicted in Exhibits "A" and "B."

FOR LEGAL DESCRIPTION
SEE EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

State of California)
County of __________) S.S.

On ________________ 2014 before, (____________________), personally appeared

________________, who proved to me on the basis of satisfactory evidence to be the person whose name is described to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

ATTACHED

WITNESS my hand and official seal.

Signature: ________________

Print Name: ________________

My Commission Number: ________________

My Commission Expires: ________________

Principal County of Business: ________________

Signed this 17 day of July, 2014

Grantor Signature(s)

Marc Roberts

Marc Roberts

City Manager, City of Livermore

No. 200720-145

EXHIBIT "A"
LEGAL DESCRIPTION
5.0' ZONE 7 ELECTRIC EASEMENT

REAL PROPERTY IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 1 AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP 10260 FILED FOR RECORD ON ___________ ___, 20___ IN BOOK ___ OF MAPS, AT PAGE __, OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE GENERAL NORTHERLY LINE OF SAID PARCEL 1, SAID POINT BEING THE EASTERLY TERMINUS OF THAT CERTAIN COURSE DESIGNATED AS " N 88° 33' 15" W, 697.69' ";

THENCE ALONG THE GENERAL NORTHERLY LINE OF SAID PARCEL 1, SOUTH 01° 28' 32" WEST, 13.00 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE CONTINUING ALONG LAST SAID LINE, SOUTH 01° 28' 32" WEST, 5.00 FEET TO THE INTERSECTION WITH THE NORTHERLY LINE OF THAT CERTAIN 25' WIDE ZONE 7 WATERLINE EASEMENT AS DESCRIBED IN THAT CERTAIN DOCUMENT RECORDED ON NOVEMBER 15, 1974, ON REEL 3816 AT IMAGE 318, OFFICIAL RECORDS OF ALAMEDA COUNTY;

THENCE LEAVING SAID GENERAL NORTHERLY LINE AND ALONG THE NORTHERLY LINE OF SAID EASEMENT (3816 IM 318), THE FOLLOWING THREE (3) COURSES:

1) NORTH 88° 33' 15" WEST, 697.68 FEET,

2) ALONG THE ARC OF A 9972.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01° 08' 45", AN ARC DISTANCE OF 199.43 FEET,

3) NORTH 89° 42' 00" WEST, 59.12 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN ZONE 7 TURNOUT EASEMENT RECORDED ON JUNE 5, 2008, AS INSTRUMENT NO. 2008-180350 OFFICIAL RECORDS OF ALAMEDA COUNTY,

THENCE ALONG THE NORTHERLY LINE OF SAID TURNOUT EASEMENT, NORTH 89° 42' 00" WEST, 7.61 FEET;

THENCE ALONG THE ARC OF A 522.95 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05° 09' 23", AN ARC DISTANCE OF 47.06 FEET;

THENCE LEAVING LAST SAID LINE, NORTH 00° 18' 00" EAST, 5.02 FEET;

THENCE ALONG THE ARC OF A 527.95 FOOT NON-TANGENT RADIUS CURVE TO THE RIGHT, WHOSE CENTER POINT BEARS SOUTH 04° 48' 27" EAST, THROUGH A CENTRAL ANGLE OF 05° 06' 27", AN ARC DISTANCE OF 47.06 FEET;

THENCE SOUTH 89° 42' 00" EAST, 66.73 FEET;

THENCE ALONG THE ARC OF A 9977.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01° 08' 45", AN ARC DISTANCE OF 199.53 FEET;

THENCE SOUTH 88° 33' 15" EAST, 697.68 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 5,058 SQUARE FEET, OR 0.1161 ACRES OF LAND, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1927 (CCS27, ZONE 3). MULTIPLY THE ABOVE DISTANCES BY 1.0000973 TO OBTAIN GROUND LEVEL DISTANCES. THE ABOVE AREAS ARE GRID MEASURE.

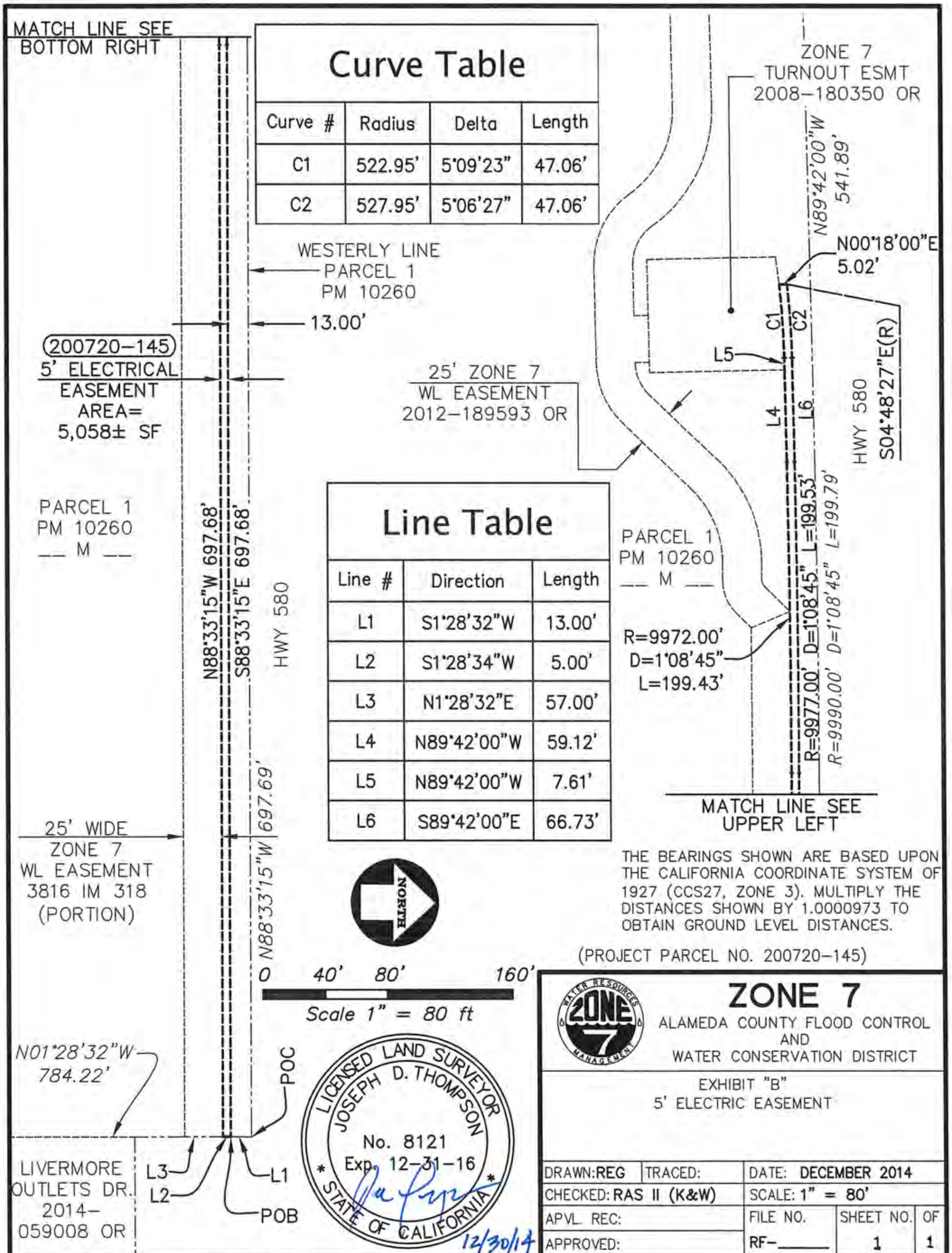
A PLAT OF THE ABOVE DESCRIBED PARCEL OF LAND IS ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

JOSEPH D. THOMPSON, L.S. 8121
LICENSE EXPIRATION: 12-31-2016

12-30-14
DATE

PROFESSIONAL LAND SURVEYOR
JOSEPH THOMPSON
No. 8121
Exp. 12-31-2016
STATE OF CALIFORNIA



Curve Table

Curve #	Radius	Delta	Length
C1	522.95'	5°09'23"	47.06'
C2	527.95'	5°06'27"	47.06'

Line Table

Line #	Direction	Length
L1	S1°28'32"W	13.00'
L2	S1°28'34"W	5.00'
L3	N1°28'32"E	57.00'
L4	N89°42'00"W	59.12'
L5	N89°42'00"W	7.61'
L6	S89°42'00"E	66.73'

THE BEARINGS SHOWN ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1927 (CCS27, ZONE 3). MULTIPLY THE DISTANCES SHOWN BY 1.0000973 TO OBTAIN GROUND LEVEL DISTANCES.

(PROJECT PARCEL NO. 200720–145)

ZONE 7

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

EXHIBIT "B"
5' ELECTRIC EASEMENT

DRAWN: REG	TRACED:	DATE: DECEMBER 2014	
CHECKED: RAS II (K&W)		SCALE: 1" = 80'	
APVL. REC:		FILE NO.	SHEET NO. 1 OF 1
APPROVED:		RF–______	

C:\Users\rstewart\appdata\local\temp\AcPublish_9184\A06717-15-PD (-145) 5' Zone7 Elec Esmt.dwg 12-30-14 07:11:05 AM rstewart

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: Engineering
CONTACT: Dennis Gambs/Jarnail Chahal

AGENDA DATE: January 21, 2015 ITEM NO. **5d**

SUBJECT: Easement Amendments for Cross Valley Pipeline with CarMax Auto Superstores California and Stoneridge Chrysler Jeep Dodge, Pleasanton

SUMMARY:

- CarMax Auto Superstores California and Stoneridge Chrysler Jeep Dodge are two new dealerships being built off Stoneridge Drive near El Charro Road in Pleasanton, just south of Interstate 580. The dealerships are on property formerly owned by Alameda County Surplus Properties and known as Staples Ranch.

- A 25-foot wide easement for Zone 7's Cross Valley Pipeline, which conveys treated water to the Cities of Pleasanton, Dublin and Livermore, crosses both properties.

- Each of the dealerships will include buildings with associated access drives, parking lots and landscape areas.

- Zone 7 and the dealership property owners desire to amend the original easement to establish mutually agreeable terms and conditions for owner's improvements within the easement which maintains Zone 7's continued access to its easement.

FUNDING:

There is no funding impact.

RECOMMENDED ACTION:

Adopt attached resolution authorizing the General Manager to negotiate and execute the Easement Amendments and record them.

ATTACHMENTS:

Memo providing additional background and discussion
Resolution
Location Map
Easement Amendments with Exhibits for CarMax Auto Superstores California and Stoneridge Chrysler Jeep Dodge

INTEROFFICE MEMO

Date: January 21, 2015
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Easement Amendments for Cross Valley Pipeline with CarMax Auto Superstores California and Stoneridge Chrysler Jeep Dodge, Pleasanton

The following provides additional background and discussion on the above-referenced agenda item.

BACKGROUND:

CarMax Auto Superstores California and Stoneridge Chrysler Jeep Dodge are automobile dealerships being built off Stoneridge Drive near El Charro Road in Pleasanton. The undeveloped property located just south of Interstate 580 was formerly part of Alameda County Surplus Properties' Staples Ranch.

Each owner/dealer has plans to construct a dealership that includes buildings with associated access drives, parking lots and landscape. Some of these improvements are proposed to be located within Zone 7's 25 foot-wide waterline easement which contains the 36-inch diameter Cross Valley pipeline. These improvements will also have an impact on Zone 7's future ingress and egress to its easement area for pipeline maintenance.

DISCUSSION:

The use of property in and around Zone 7's waterline easement in this area has changed from open fields to commercial development. To help assure that the development of the property does not interfere with Zone 7's future access to the easement area and maintenance of its pipeline, each owner has agreed to an Easement Amendment. While Zone 7 has been able to access the pipeline in the past, it is critical that development of the dealership properties proceed in a manner that allows this continued access. Without an understanding in writing, future improvements to the property could restrict access or compromise the safety of the waterline. To help assure that the owner and successor owners are aware of the Easement Amendment, the document will be recorded. Major provisions of the Easement Amendment provide that:

- Zone 7 shall have non-exclusive access to its easement area through owner's property at all times.
- Owner shall notify Zone 7 prior to construction activities within the vicinity of the waterline.
- Utility installations shall maintain minimum separation with Zone 7's waterline and grading activities shall maintain minimum cover over the waterline; all such activities subject to monitoring by a Zone 7 Inspector.
- No structures are to be built within the easement area.
- No trees or deep-rooted shrubs shall be located within the easement area.

The Easement Amendments are essentially the same as the existing easement conditions except for the exhibits showing access and property improvements. Staff recommends adopting the attached resolution authorizing the General Manager to negotiate and execute the Easement Amendments and record them.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Easement Amendment with CarMax Auto Superstores California and Stoneridge Chrysler Jeep Dodge, Pleasanton

WHEREAS, CarMax Auto Superstores California, LLC, and Stoneridge Chrysler Jeep Dodge (Owners) each own property in Pleasanton, California; and

WHEREAS, Alameda County Flood Control and Water Conservation District, Zone 7 is the holder of a waterline easement which contains a 36-inch diameter pipeline located on each Owner's property; and

WHEREAS, in connection with these two new car dealerships being proposed off Stoneridge Drive near El Charro Road in Pleasanton, proposed improvements also include buildings, access drives, parking lots and landscape areas; and

WHEREAS, an Easement Amendment has been prepared with each Owner, amending the original easement to establish mutually agreeable terms and conditions for each owner's construction of improvements in the easement area and providing access through owner's property to the easement area.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute an Easement Amendment with each Owner, and to execute a certificate of acceptance causing each Easement Amendment to be recorded at the Office of the Recorder of Alameda County.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cross Valley Pipeline
No. 7252
Map: RE 300

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on January 21, 2015.

By: ______________________________
President, Board of Directors

ZONE 7 WATER AGENCY 100 North Canyons Parkway Livermore, CA	DRAWN: SJE	SCALE: AS SHOWN	**LOCATION MAP**
	REVIEWED: DG	DATE: 01/06/2015	**EASEMENT AMENDMENT FOR CROSS VALLEY PIPELINE**
	File: W:/WSE/Staff/Steven/Dennis Gambs/ X-Valley PL Easem Amend.mxd	FIGURE #	

Recording Requested By:

Alameda County Flood Control
and Water Conservation District, Zone 7

And When Recorded Mail to:

Zone 7
100 N. Canyons Parkway
Livermore, CA 94551
Attention: Real Property Services

Space Above This Line for Recorder's Use

Zone 7 hereby declares this instrument to be exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Revenue and Taxation Code §11922), Government agency acquiring title.

APN 946-1128-003-009 (Por)

AMENDMENT TO EASEMENT AGREEMENT

This Amendment to Easement Agreement (herein after "Agreement") is made and entered into this ___ day of ___________________, 2014 by and between the Alameda County Flood Control and Water Conservation District, Zone 7 (hereinafter "Zone 7") and CarMax Auto Superstores California, LLC, a Virginia limited liability company, its successors and assigns (hereinafter "Owner").

RECITALS

A. Zone 7 is the holder of a waterline easement through a grant from the County of Alameda to the Alameda County Flood Control and Water Conservation District, recorded on February 24, 1975 as Series Number 75- 22135, Official Records of Alameda County (hereinafter "Original Easement") and attached hereto as Exhibit "A", granting to Zone 7, an easement located on a strip of land approximately 25 feet in width (hereinafter "Easement Area") and shown on Exhibit "B" attached hereto;

B. The Easement also includes the right of ingress to and egress from said strip over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Owner;

C. Zone 7 owns, operates and maintains a 36 inch diameter waterline known as the Cross Valley Pipeline, (hereinafter "Waterline"), under, over, and within the Easement Area which conveys treated water to the Cities of Pleasanton, Dublin and Livermore;

D. The Owner has plans to construct an automobile dealership including buildings with associated access drives, parking lots and landscape areas (hereinafter "Improvements");

E. The proposed Improvements, as shown on the drawings listed below (hereinafter "Plans"), are attached hereto and made a part hereof as Exhibit "C":
   1. Zone 7 Access - Sheet 1 of 1 by MacKay & Somps, dated July 25, 2014

2. Grading and Drainage Plan - Sheet Nos. C5.0 and C5.1, MacKay & Somps, dated February 2014
3. Preliminary Planting Plan 1 - Sheet No. L1.0 Dated November 2013;

F. Zone 7 and Owner desire to amend the Original Easement to establish mutually agreeable specific terms and conditions for Owner's construction of the Improvements in the Easement Area (Owner as used herein shall also mean its employees, agents, and contractors).

<u>THE PARTIES AGREE AS FOLLOWS</u>:

1. **PERMITTED USE**: Zone 7 hereby consents to the Improvements as shown upon the Plans subject to the following terms and conditions, to the extent applicable:

   a. <u>Notification</u>: Owner shall notify Zone 7 prior to activities within 5 feet of the Waterline including: grading, paving, trenching, verifying Waterline depth (potholes), initially installing landscaping (but excluding on-going maintenance activities) or similar activities. This notification can be coordinated through the Underground Service Alert (USA) service at 811. A minimum of 48 hours' notice is required. Zone 7 will determine if a Zone 7 inspector needs to be present during such activities.
   b. <u>Grading</u>: A minimum of three (3) feet of cover over the top of the Waterline is required. No fill in excess of one (1) foot may be placed on the existing Easement Area surface without the expressed written consent of Zone 7. Equipment and methodology to be used for grading, including excavation and compaction, within the Easement Area must be identified prior to commencing grading activities and reported to Zone 7. Monitoring by a Zone 7 Inspector during such activities may be required. Owner shall immediately cease any grading activities deemed unsafe by Zone 7.
   c. <u>Underground Utilities</u>: Utility lines crossing the Waterline must be vertically separated to a minimum of 12 inches from the Waterline. Separation requirements shall also comply with the State of California Department of Health Services (or successor agency) Guidance Memo No. 2003-2: Criteria for "The Separation of Water Mains and Non-Potable Pipelines," dated October 16, 2003, and as may be updated.
   d. <u>Substructures</u>: Parallel utilities, pole bases, water line 'kicker blocks,' storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed within the Easement Area.
   e. <u>Structures</u>: No structures are to be built within Easement Area. This includes houses, garages, outbuildings, swimming pools, tennis courts, retaining walls, decks, patios, carports, septic tanks, wells, storage sheds, tanks, vaults, transformer pads, loading ramps, or similar, nor to allow to be done anything which could prevent vehicles and equipment from operating anywhere within the Easement Area.
   f. <u>Fencing</u>: Parallel fencing is not allowable within the easements, and any perpendicular fencing must have 14-foot wide gates for Zone 7 access. Gates will be secured with Zone 7 locks.

g. Landscaping: No trees or deep-rooted shrubs shall be located within the Easement Area. Zone 7 shall not be responsible for replacing any landscaping damaged in the course of accessing its Waterline along the Easement Area; however, Zone 7 agrees to use commercially reasonable efforts to avoid damaging the Owner's landscaping.

h. Additional Improvements: Prior to installation of any additional improvements, or material modifications to the Improvements, Owner shall submit plans and specifications to Zone 7 for review and approval; however, Zone 7's approval shall not be required for (i) Owner's maintenance or pruning existing landscaping or (ii) Owner's replacement of dead or diseased landscaping with a plants of a similar variety and root depth. The additional improvements, including modifications, shall not be installed by the Owner, or its contractor without first securing written approval from Zone 7, which shall not be unreasonably withheld, conditioned or delayed.

i. Permits: All Improvements installed by Owner shall be with benefit of any necessary construction, building or use permits in compliance with any applicable federal, state, or local government requirements.

j. Removal of Improvements: Any improvements or facilities installed in violation of this Easement Agreement shall be removed by Owner, at Zone 7's discretion, and at Owner's sole cost and expense.

k. Work on Zone 7 Facilities: Prior to any work on Zone 7's Waterline or appurtenances after the initial construction of the Improvements, Owner shall obtain an Encroachment Permit from Zone 7. Waterline appurtenances may include, but are not limited to, line valves, air valves, blow offs and electrolysis test stations along with any boxes or vaults housing said appurtenances. All costs associated with such work shall be borne by the Owner including: Encroachment Permit fees, inspection costs and surety bonds. Alternatively, Zone 7 may at sole discretion choose to undertake such work itself, in which case all reasonable and actual costs and expenses associated with such work shall also be borne by the Owner.

2. **ZONE 7 ACCESS**: Zone 7 shall have non-exclusive access to its Easement Area through Owner's property at all times, over and across the all-weather access road as shown in the Plans as Exhibit C (the "Access Road"). The Access Road shall be not less than 12 feet wide, with a minimum outside turning radius of 50 feet to accommodate Zone 7's maintenance vehicles. Owner shall cause the Access Road to be constructed as an all-weather stabilized surface with a 3-inch tall mountable curb installed from the proposed parking area shown in the Plans. Notwithstanding any provision of the Original Easement to the contrary, the parties agree that the Access Road, once constructed by the Owner, shall be the only route by which Zone 7 shall access the Waterline and the Easement Area provided that the Access Road does not become obstructed or unusable.

3. **MAINTENANCE BY ZONE 7**: Zone 7 shall provide Owner with advance notice of any scheduled maintenance or repair operations it may undertake; however, routine inspections will not require advanced notice. In the event of an emergency that requires immediate access to Zone 7's Waterline, Zone 7 shall notify as soon as reasonably possible, Owner

and/or Tenant, by phone at the number provided in Section 4 and/or other contact number as may be provided by the Owner.

4. **NOTICE**: Any demand or notice which either party shall be required, or may desire to make upon or give to the other, shall be in writing and shall be delivered personally upon the other or be sent by first class mail to the respective parties as follows:

Zone 7: General Manager
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551
925-454-5000

Owner: CarMax Auto Superstores California, LLC
12800 Tuckahoe Creek Parkway
Richmond, VA 23238
Contact: Vice President, Real Estate
804 747-0422

Either party may, from time to time, designate any other address for this purpose by written notice to the other party, given with ten (10) business days' notice.

5. **INTEGRATION & MODIFICATION**: The Original Easement, as modified by this Agreement, constitutes the complete expression of the agreement between the parties. Any modification of or addition to this Agreement must be in writing signed by both parties.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the dates appearing below their respective authorized signatures.

Alameda County Flood Control and
Water Conservation District, Zone 7

By: ____________________________
G. F. Duerig
General Manager

Date: __________________

CarMax Auto Superstores California, LLC,
a Virginia limited liability company

By: ______________________
K. Douglass Moyers
Vice President, Real Estate

Date: __________________

Cross Valley Pipeline
Map: RE 300

Exhibit A

f-LSC

RL 3884 IM 820

When recorded return to:
Alameda County Flood Control &
Water Conservation District
399 Elmhurst Street
Hayward, California 94544

NO.J5- 22135
RECORDED
1975 FEB 24 PM 2:25
RENE C. DAVIDSON
ALAMEDA COUNTY, CA.

DOCUMENTARY TRANSFER TAX: EXEMPT

SIGNATURE OF AGENT

DH

GRANT OF EASEMENT

THIS INDENTURE, made this 20th day of November, 1973, between the COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called COUNTY, and the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, hereinafter called DISTRICT,

WITNESSETH:

That COUNTY, for and in consideration of the benefits resulting to COUNTY, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to COUNTY thereby, does hereby GRANT and CONVEY unto DISTRICT, an easement and right of way to construct, maintain, operate, inspect and repair a pipe line for conveying water, with necessary and proper valves and other appliances and fittings, and devices for controlling electrolysis for use in connection with said pipe line, together with adequate protection therefor, and appurtenances in, through, and under the following described strip of land:

PARCEL 12

REAL PROPERTY in the State of California, County of Alameda, Township of Pleasanton, unincorporated, described as follows:

PORTION of that parcel of land described in the deed from Laurence R. Staples, et ux., to the County of Alameda, dated July 26, 1951, recorded July 31, 1951, in Book 6500, Page 20, of Official Records of Alameda County, more particularly described as follows:

COMMENCING at the northwestern corner of that parcel of land described in the deed from the County of Alameda to the State of California, recorded August 22, 1969, in Reel 2464, Image 460, of Official Records of Alameda County, said northwestern corner lying on the western boundary line of that parcel of land described in said deed from Laurence R. Staples, et ux., to the County of Alameda; thence along said western boundary line South 1° 15' 38" West 44.020 feet to the point of beginning; thence South 88° 29' 26" East 584.213 feet; thence South 88° 32' 27" East 1039.086 feet; thence South 83° 39' 58" East 544.103 feet to a point on an arc of a curve to the right from which the center point of said curve bears South 6° 20' 02" West 910.000 feet; thence along the arc of said curve 534.702 feet through an angle of 33° 39' 58"; thence South 50° 00' 00" East 198.700 feet to a point on an arc of a curve to the left from which the center point of said curve bears North 40° 00' 00" East 580.000 feet;

75- 22135

This is to certify that the interest in real property conveyed by RE 3884 IM 821

Grant of Easement dated November 20, 1973 from

COUNTY OF ALAMEDA, a political subdivision of the State of California,

to Alameda County Flood Control and Water Conservation District, a body corporate and politic, is hereby accepted by order of the Board of Supervisors of the Alameda County Flood Control and Water Conservation District on February 4, 1975 by Resolution No. 11111, and the grantee consents to recordation thereof by its duly authorized officer.

Date February 4, 1975

By Kevin M. Cassady

KEVIN M. CASSADY, CHIEF, REAL ESTATE DIVISION, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT thence along the arc of the last said curve 308.032 feet through an angle of 30° 25' 45" to a point of reverse curvature from which the center point of a curve bears South 9° 34' 15" West 170.000 feet; thence along the arc of the last said curve 243.669 feet through an angle of 82° 07' 29"; thence South 1° 41' 44" West 147.910 feet; thence South 88° 18' 16" East 30.000 feet to the western boundary line of that parcel of land described in the deed from the County of Alameda to the State of California, recorded December 16, 1969, on Reel 2533, Image 530, of Official Records of Alameda County; thence along the last said western boundary line South 1° 41' 44" West 25.000 feet; thence North 88° 18' 16" West 55.000 feet; thence North 1° 41' 44" East 172.910 feet to a point on an arc of a curve to the left from which the center point of said curve bears North 88° 18' 16" West 145.000 feet; thence along the arc of the last said curve 207.835 feet through an angle of 82° 07' 29" to a point of reverse curvature from which the center point of a curve bears North 9° 34' 15" East 605.000 feet; thence along the arc of the last said curve 321.309 feet through an angle of 30° 25' 45"; thence North 50° 00' 00" West 198.700 feet to a point on an arc of a curve to the left from which the center point of said curve bears South 40° 00' 00" West 885.000 feet; thence along the arc of the last said curve 520.012 feet through an angle of 33° 39' 58"; thence North 83° 39' 58" West 543.039 feet; thence North 88° 32' 27" West 1038.033 feet; thence North 88° 29' 26" West 584.115 feet to the first mentioned western boundary line; thence along said western boundary line North 1° 15' 38" East 25.000 feet to the point of beginning.

The bearings and distances used in the above description are on the California Coordinate System, Zone No. 3. Multiply the above distances by 1.0000973 to obtain ground level distances.

COUNTY further grants and conveys to DISTRICT:

(a) the right of ingress to and egress from said strip over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to COUNTY; provided that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said strip by any public road or highway now crossing or hereafter crossing said lands; provided, further, that if any portion of said lands is or shall be subdivided and dedicated roads or highways on such portion shall extend to said strip, said right of ingress and egress on said portion shall be confined to such dedicated roads and highways;

(b) the right to use such portion of said lands contiguous to said strip as may be reasonably necessary in connection with the installation and replacement of such pipe line;

(c) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on said strip and to trim and to cut down and clear away any trees on either side of said strip which now or hereafter in the opinion of DISTRICT may be a hazard to said pipe line, valves, appliances or fittings, by reason of the danger of falling thereon, or may interfere with the exercise of DISTRICT'S rights hereunder; provided, however, that all trees which DISTRICT is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of COUNTY, but all tops, lops, brush and refuse wood shall be burned or removed by DISTRICT;

(d) the right to install, maintain and use gates in all fences which now cross or shall hereafter cross said strip;

(e) the right to mark the location of said strip by suitable markers set in the ground; provided that said markers shall be placed in fences or other locations which will not interfere with any reasonable use COUNTY shall make of said strip.

DISTRICT hereby covenants and agrees:

(a) DISTRICT shall not fence said strip or construct any installation above ground level, except marker posts and exposed appurtenance boxes will be allowed in unimproved areas. If the strip becomes a paved road, all boxes shall be relocated or lowered to be flush with the pavement surface and all marker posts and appurtenances shall be removed or relocated;

(b) DISTRICT shall promptly backfill any trench made by it on said strip and repair any damage it shall do to COUNTY'S private roads or lanes on said lands;

(c) DISTRICT shall indemnify COUNTY against any loss and damage which shall be caused by the exercise of said ingress and egress or by any wrongful or negligent act or omission of DISTRICT or of its agents or employees in the course of their employment.

COUNTY reserves the right to use said strip and to grant or assign said use to others for purposes which will not interfere with DISTRICT'S full enjoyment of the rights hereby granted; provided that COUNTY, its grantees and assigns shall not erect or construct any reservoir or other obstruction on said strip, or diminish or substantially add to the ground cover over said pipe line.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

IN WITNESS WHEREOF, COUNTY has caused this instrument to be executed by J. P. BORT, Chairman of the Board of Supervisors of the County of Alameda, State of California, pursuant to the authority of Resolution No. 151267, adopted November 20, 1973.

Dated: NOV 20 1973

COUNTY OF ALAMEDA

Attest: [signature]
JACK K. POOL, Clerk of the Board
of Supervisors of the County of
Alameda, State of California

By: [signature]
Chairman, Board of Supervisors
Alameda County, California

75- 22135 RE:3884 IM:824

State of California)
) ss.
County of Alameda)

On this 20th day of November, 1973, before me YVONNE D. QUAN, a Notary Public in and for the County of Alameda, State of California, residing therein, duly commissioned and sworn, personally appeared J. P. BORT, known to me to be Chairman of the Board of Supervisors of the County of Alameda, State of California, and Jack K. Pool, known to me to be the Clerk of the Board of Supervisors of the County of Alameda, State of California, that executed the within instrument and the officers who executed the within instrument on behalf of the County of Alameda therein named, and acknowledged to me that said County of Alameda executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

YVONNE D. QUAN
NOTARY PUBLIC
Alameda County, Calif.
My commission expires Feb. 3, 1975

Yvonne D. Quan
Notary Public in and for the County of Alameda, State of California

RE:3884 IM:825 FEB -4 1975

Approved as to Form
RICHARD J. MOORE, COUNTY COUNSEL

By .... Deputy

75- 22135

THE BOARD OF SUPERVISORS OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, STATE OF CALIFORNIA

On motion of Supervisor ...., Seconded by Supervisor ....
And approved by the following vote,
Ayes: Supervisors ....
Noes: Supervisors ....
Excused or Absent: Supervisors ....

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER 11111

APPROVE PURCHASE OF EASEMENT; DRAW WARRANT; ACCEPT AND RECORD EASEMENT.

WHEREAS, a permanent easement in the hereinafter described parcel of real property is required by the Alameda County Flood Control and Water Conservation District for the purpose of constructing, improving and maintaining a flood control facility as part of the Zone No. 7 Project; and

WHEREAS, the COUNTY OF ALAMEDA, a political subdivision of the State of California, the owner of said real property, has offered to grant said permanent easement to said District for the sum of TWO THOUSAND SIX HUNDRED NINE AND 00/100 DOLLARS ($2,609.00) plus costs of reconveyances and subordinations, if any, and upon the terms and conditions contained in that certain offer dated November 20, 1973, attached hereto and by reference made a part hereof; and

WHEREAS, the offer of said property owner is considered reasonable; and

WHEREAS, authorization for the expenditure of funds has been approved by the Board of Directors of Zone No. 7 by Resolution No. 738, adopted on January 15, 1975, a copy of which is attached hereto; and

WHEREAS, said real property is situated in the Township of Pleasanton, County of Alameda, State of California, and is more particularly described in Exhibit "A" attached hereto and by reference made a part hereof;

NOW, THEREFORE, BE IT RESOLVED, that the acquisition of said permanent easement by the Alameda County Flood Control and Water Conservation District from the aforesaid owner for the aforesaid amount and upon the terms and conditions contained in that certain offer referred to above be and it is hereby approved; and

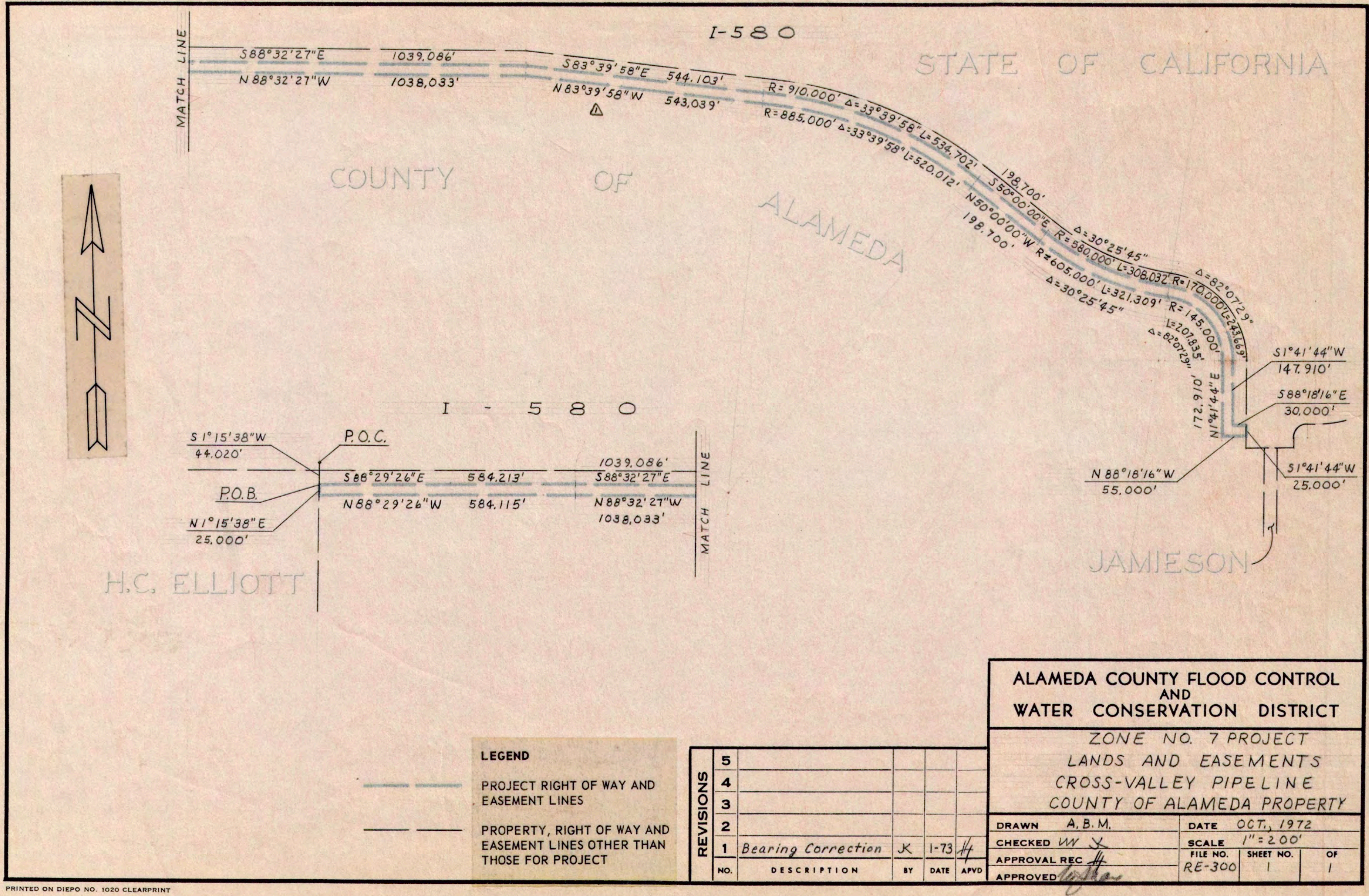
BE IT FURTHER RESOLVED, that the Auditor be and he is hereby authorized and directed to draw his warrant payable to County of Alameda for the sum of TWO THOUSAND SIX HUNDRED NINE AND 00/100 DOLLARS ($2,609.00) on the Zone No. 7 Capital Fund, said warrant to be transmitted to the Director of Public Works for deposit with the County of Alameda as payment to said owner; and

BE IT FURTHER RESOLVED, that said easement executed by the County of Alameda, dated November 20, 1973, be and the same, is hereby accepted and the Director of Public Works be and he is hereby authorized and directed to cause said permanent easement to be recorded with the Recorder of the County of Alameda.

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Supervisors of the Alameda County Flood Control and Water Conservation District on FEB -4 1975
Attest FEB -4 1975
JACK K. POOL, CLERK OF
THE BOARD OF SUPERVISORS
Edna Kennedy

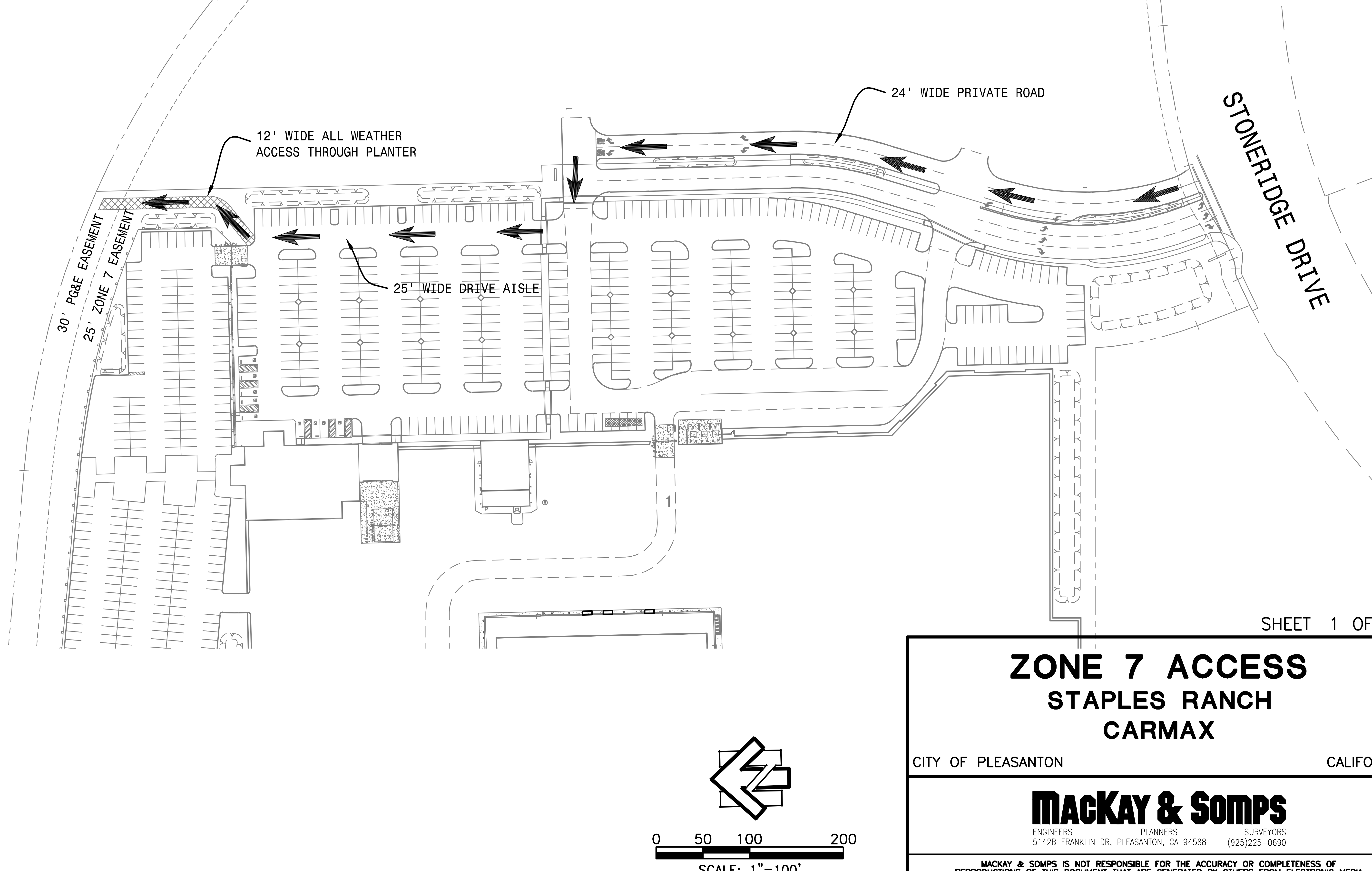
Zone 7, CVWL, Parcel 12

Exhibit B



I-580
STATE OF CALIFORNIA
MATCH LINE
S88°32'27"E
1039.086'
N88°32'27"W
1038.033'
S83°39'58"E
544.103'
N83°39'58"W
543.039'
R=910.000' Δ=33°39'58" L=534.702'
R=885.000' Δ=33°39'58" L=520.012'
198.700'
S50°00'00"E
N50°00'00"W
198.700'
Δ=30°25'45" R=580.000' L=308.032'
R=605.000' L=321.309' Δ=30°25'45"
R=170.000' L=243.669' Δ=82°07'29"
R=145.000' L=207.835' Δ=82°07'29"
172.910'
N1°41'44"E
S1°41'44"W
147.910'
S88°18'16"E
30.000'
N88°18'16"W
55.000'
S1°41'44"W
25.000'
COUNTY OF ALAMEDA
I-580
S1°15'38"W
44.020'
P.O.C.
P.O.B.
N1°15'38"E
25.000'
S88°29'26"E
584.213'
N88°29'26"W
584.115'
1039.086'
S88°32'27"E
N88°32'27"W
1038.033'
MATCH LINE
H.C. ELLIOTT
JAMIESON
N
LEGEND
PROJECT RIGHT OF WAY AND EASEMENT LINES
PROPERTY, RIGHT OF WAY AND EASEMENT LINES OTHER THAN THOSE FOR PROJECT
REVISIONS
5
4
3
2
1 Bearing Correction JK 1-73
NO. DESCRIPTION BY DATE APVD
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
ZONE NO. 7 PROJECT
LANDS AND EASEMENTS
CROSS-VALLEY PIPELINE
COUNTY OF ALAMEDA PROPERTY
DRAWN A.B.M.
DATE OCT., 1972
CHECKED
SCALE 1"=200'
APPROVAL REC
FILE NO. RE-300
SHEET NO. 1
OF 1
APPROVED
PRINTED ON DIEPO NO. 1020 CLEARPRINT

Exhibit C-1



SHEET 1 OF 1

ZONE 7 ACCESS
STAPLES RANCH
CARMAX

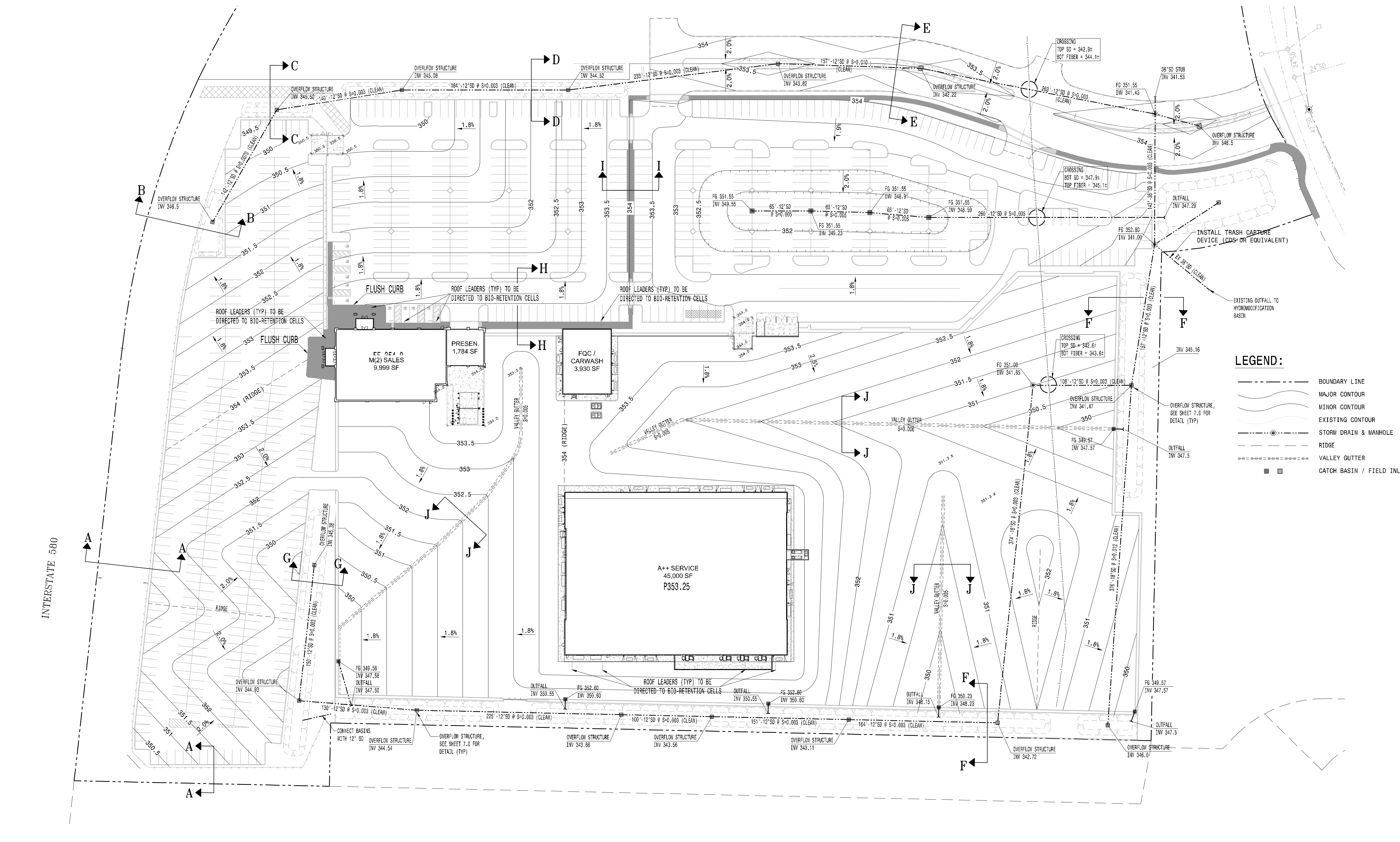
CITY OF PLEASANTON CALIFORNIA

MACKAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
5142B FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690

MACKAY & SOMPS IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF REPRODUCTIONS OF THIS DOCUMENT THAT ARE GENERATED BY OTHERS FROM ELECTRONIC MEDIA

PLEASANTON	1" = 100'	2014.02.14	19703.000
OFFICE	SCALE	DATE	JOB NO.

Exhibit C-2



EARTHWORK SUMMARY:

THE EARTHWORK SUMMARY IS APPROXIMATE AND BASED ON THE DIFFERENCES BETWEEN EXISTING GROUND AND THE PROPOSE SUBGRADE / PAD ELEVATIONS. STRUCTURAL SECTIONS ARE ASSUMED TO BE 14" (3"AC/11"AB) AND THE SLABS TO BE CONSTRUCTED AS SLAB ON GRADE (5"PCC/4"AB). ANY SOIL REMEDIATION IS EXPECTED TO OCCUR ONSITE WITH NO IMPORT OR EXPORT. THE CALCULATION MAKES TO PROVISION FOR STRIPPING OR SUB EXCAVATION. DUE TO VARIABLES SUCH AS COMPACTION, SHRINKAGE AND THE CONTRACTOR'S METHOD OF OPERATION, THE VOLUME OF DIRT MOVED WILL IN ALL LIKELIHOOD DEVIATE FROM THE CALCULATED VOLUME. THOSE ITEMS MARKED N/I HAVE NOT BEEN INCLUDED IN OUR CALCULATIONS AT THIS TIME.

	CUT (CY)	FILL (CY)
RAW RESULTS	25,800	31,500
BIO-RETENTION EXCAVATION	5,700	–
TRENCH SPOILS	N/I	–
SHRINKAGE	N/I	–
CONSOLIDATION	N/I	–
SITE STRIPPING	N/I	–
TOTAL	31,500	31,500
	BALANCE	

MACKAY & SOMPS 1953 2013

5142B FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690

NOT RELEASED FOR CONSTRUCTION

APPROVAL

CARMAX PE

REVISIONS

REV. NO	DATE	DESCRIPTION	BY

CARMAX THE AUTO SUPERSTORE

CARMAX THE AUTO SUPERSTORE WEST COAST, INC.
12800 TUCKAHOE CREEK PARKWAY RICHMOND, VA 23238
(804) 747-0422

STORE NO. 6068
PLEASANTON, CA

PROJECT NO. 19703.000

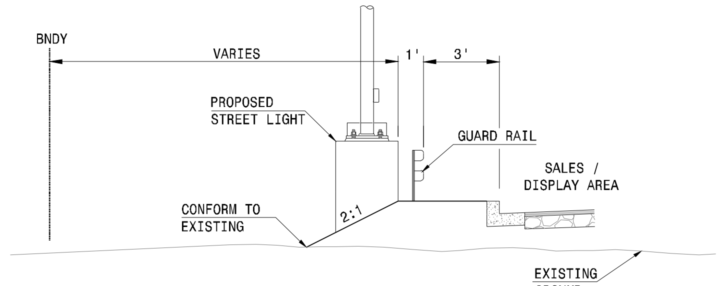
DATE FEBURARY 2014

SHEET TITLE

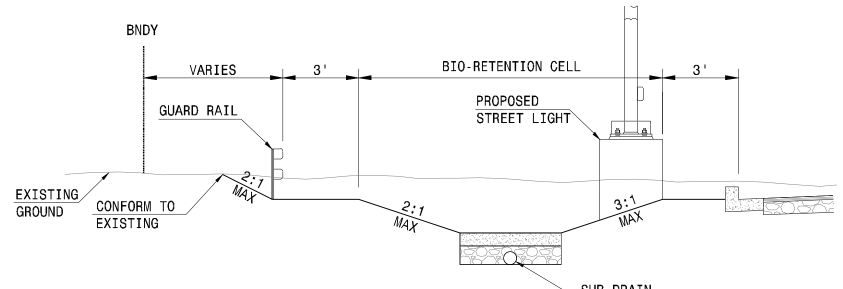
PRELIMINARY GRADING/DRAINAGE PLAN

SHEET NO. C5.0

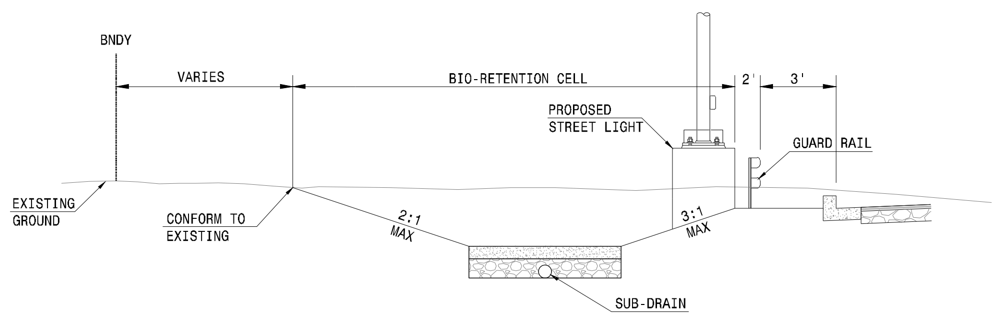
02-28-2014 2:57pm Chris Guenther P:\19703\PLN\PD\PUD05-0-PRELIMINARY GRADING PLAN.DWG



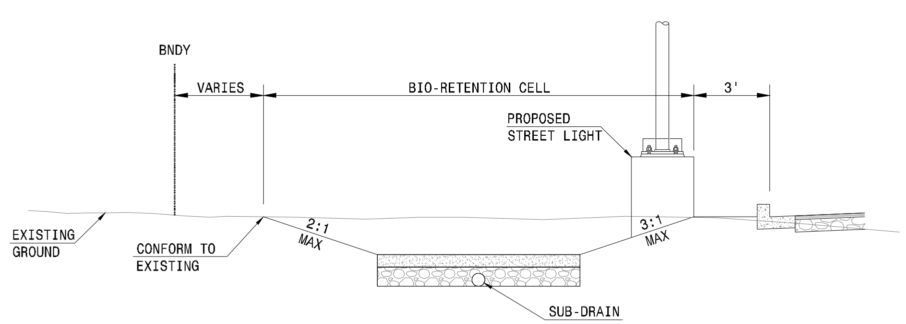
SECTION A-A
NTS



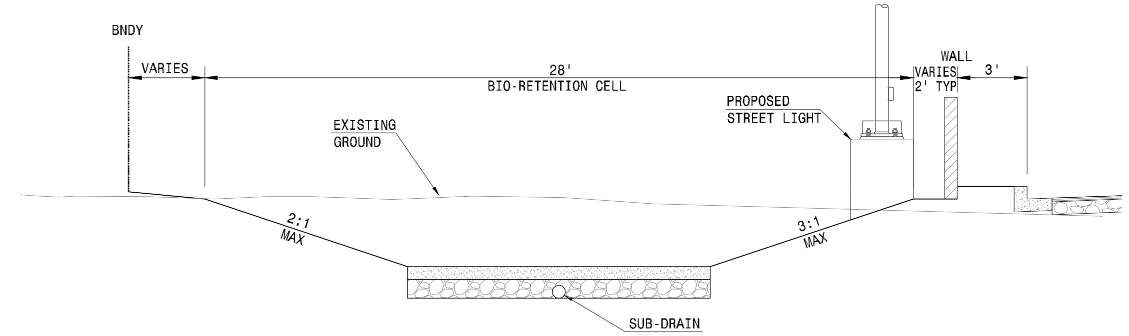
SECTION B-B
NTS



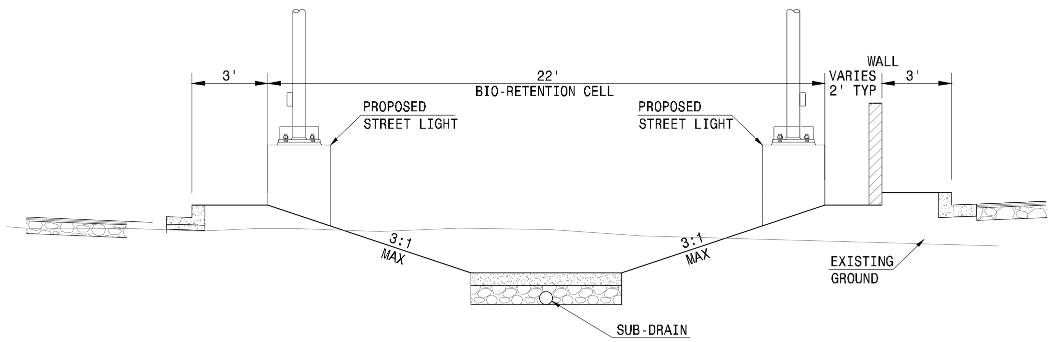
SECTION C-C
NTS



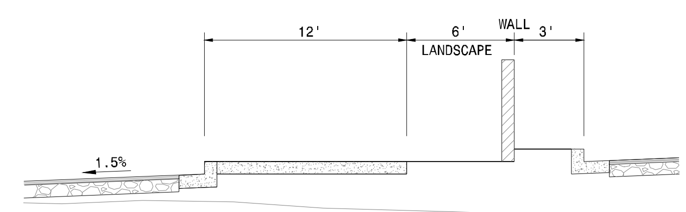
SECTION D-D
NTS



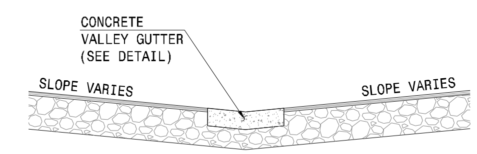
SECTION F-F
NTS



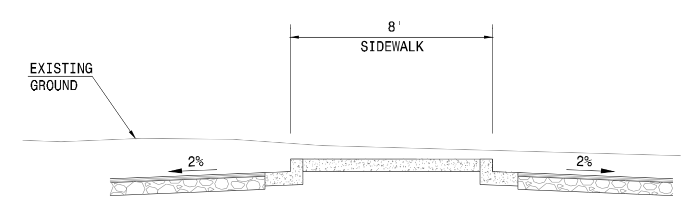
SECTION G-G
NTS



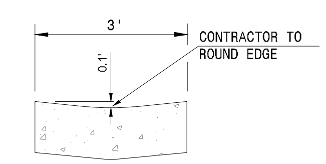
SECTION H-H
NTS



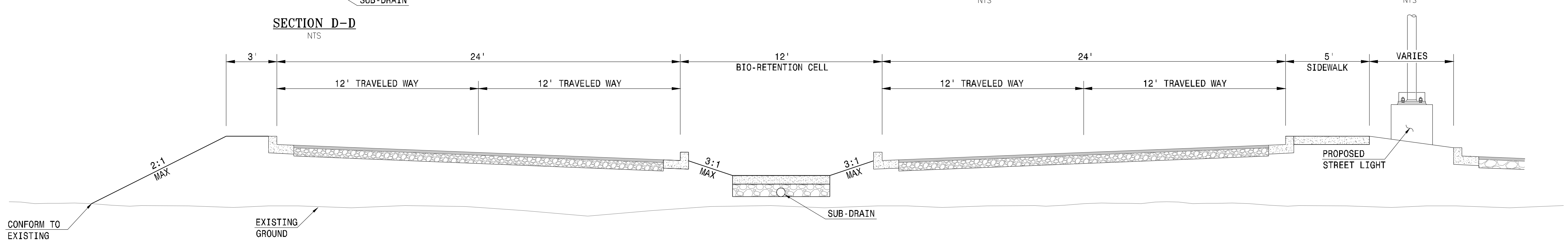
SECTION J-J
NTS



SECTION I-I
NTS



VALLEY GUTTER DETAIL
NTS



SECTION E-E
(ACCESS ROAD)
NTS

MACKAY & SOMPS
1953 2013
5142B FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690

NOT RELEASED FOR CONSTRUCTION

APPROVAL

CARMAX PE

REVISIONS

REV. NO	DATE	DESCRIPTION	BY

CARMAX
THE AUTO SUPERSTORE
CARMAX THE AUTO SUPERSTORE WEST COAST, INC.
12800 TUCKAHOE CREEK PARKWAY RICHMOND, VA 23238
(804) 747-0422
STORE NO. 6068
PLEASANTON, CA

PROJECT NO. 19703.000

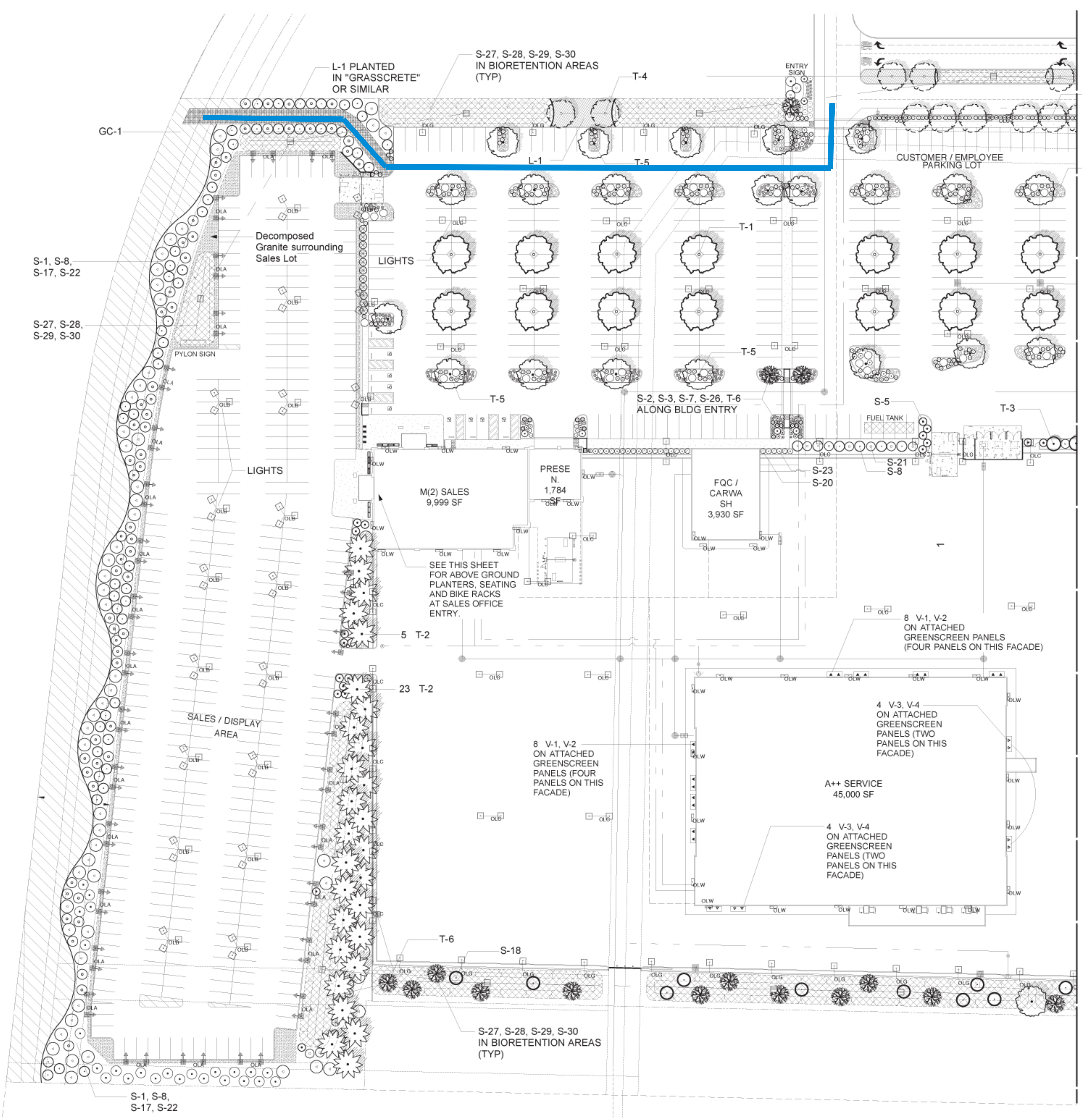
DATE FEBURARY 2014

SHEET TITLE

GRADING DETAILS AND SECTIONS

SHEET NO. C5.1

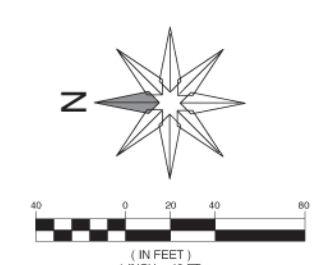
Exhibit C-3



PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME
TREES		
T-1	Zelkova serrata 'Village Green'	Sawleaf Zelkova
T-2	Cedrus deodara	Deodar Cedar
T-3	Cupressus sempervirens	Italian Cypress
T-4	Pyrus calleryana 'Capital'	Flowering Pear
T-5	Quercus agrifolia	Coast Live Oak
T-6	Parkinsonia aculeata	Mexican Palo Verde
T-7	Pinus eldarica	Afghan Pine
ST-1	Platanus a. 'Columbia'	London Plane Tree
SHRUBS		
S-1	Ceanothus 'Centennial'	Spreading California Lilac
S-2	Agave 'Blue Glow'	Dwarf Fox Tail Agave
S-3	Aloe vera	Medicinal Aloe
S-4	Buxus m. japonica	Japanese Boxwood
S-5	Callistemon c. 'Little John'	Dwarf Bottlebrush
S-6	Delosperma 'Alba'	White-trailing Ice Plant
S-7	Drosanthemum hispidum	Rose Ice Plant
S-8	Rosa 'Meideland'	Ground Cover Rose
S-9	Escallonia rubra	NCN
S-10	Ficus pumila	Creeping Fig (Vine)
S-11	Gazania 'Fiesta Red'	Clumping Red Gazania
S-12	Ilex vomitoria 'Nana' or 'Starks'	Dwarf Yaupon
S-13	Juniperus horizontalis 'Plumosa'	Andorra Juniper
S-14	Lampranthus spectabilis	Pink-trailing Ice Plant
S-15	Lantana camara	NCN
S-16	Lantana montevidensis	Spreading Lantana
S-17	Cistus x. p. 'Sunset'	Rock Rose
S-18	Myrica californica	Pacific Wax Myrtle
S-19	Myrtus communis 'Compacta'	Dwarf Myrtle
S-20	Nerium oleander 'Petite Pink'	Dwarf Oleander
S-21	Pittosporum t. 'Varigata'	Varigated Tobira
S-22	Rhamnus californicus 'Seaview'	Spreading Coffeeberry
S-23	Rhaphioloepis indica 'Ballerina'	Spreading Pink Indian Hawthorn
S-24	Rhaphioloepis indica 'Clara'	White Indian Hawthorn
S-25	Trachelospermum jasminoides	Star Jasmine
S-26	Yucca aloifolia	Spanish Bayonet
GRASSES & GROUND COVERS FOR SWALE AND BIORETENTION BASINS		
S-27	Myoporum p. 'Putah Creek'	Spreading Myoporum
S-28	Deschampsia c. holciformis	Tufted Hair Grass
S-29	Elymus magellanicus	Magellan Wheatgrass
S-30	Muhlenbergia rigens	Deergrass
GROUND COVERS		
L-1	Fescue arundinacea	Tall Fescue
GC-1	Arctostaphylos uva-ursi 'Point Reyes'	Bearberry
VINES		
V-1	Clematis armandii	Evergreen Clematis
V-2	Jasminium polyanthum	True Jasmine Vine
V-3	Mandevilla laxa	Chilean Jasmine
V-4	Vigna caracalla	Snail Vine

Access Route



Consultants

NOT RELEASED FOR CONSTRUCTION

APPROVAL

CARMAX PE

REVISIONS

REV. NO	DATE	DESCRIPTION	BY
	2/27/14	Response to City Plan Check	MDF

CARMAX

THE AUTO SUPERSTORE

CARMAX THE AUTO SUPERSTORE WEST COAST, INC.
12800 TUCKAHOE CREEK PARKWAY, RICHMOND, VA 23238
(804) 747-0422

STORE NO. 6068
PLEASANTON, CA

PROJECT NO. 19703.000

DATE NOVEMBER 2013

SHEET TITLE
PRELIMINARY PLANTING PLAN 1

SHEET NO. L1.0

Recording Requested By:

Alameda County Flood Control
and Water Conservation District, Zone 7

And When Recorded Mail to:

Zone 7
100 N. Canyons Parkway
Livermore, CA 94551
Attention: Real Property Services

Space Above This Line for Recorder's Use

Zone 7 hereby declares this instrument to be exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Revenue and Taxation Code §11922), Government agency acquiring title.

APN 946-1128-003-009 (Por)

EASEMENT AMENDMENT

This Easement Amendment (herein after "Amended Easement") is made and entered into this ___ day of _____ , 2014 by and between the Alameda County Flood Control and Water Conservation District, Zone 7 (hereinafter "Zone 7") and Stoneridge Chrysler Jeep Dodge, its heirs, successors and assigns (hereinafter "Owner").

RECITALS

A. Zone 7 is the holder of a waterline easement through a grant from the County of Alameda to the Alameda County Flood Control and Water Conservation District, recorded on February 24, 1975 as Series Number 75- 22135, Official Records of Alameda County (hereinafter "Original Easement") and attached hereto as Exhibit "A", granting to Zone 7, an easement located on a strip of land approximately 25 feet in width (hereinafter "Easement Area") and shown on Exhibit "B" attached hereto;

B. The Easement also includes the right of ingress to and egress from said strip over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Owner;

C. Zone 7 owns, operates and maintains a 36 inch diameter waterline known as the Cross Valley Pipeline, (hereinafter "Waterline"), under, over, and within the Easement Area which conveys treated water to the Cities of Pleasanton, Dublin and Livermore;

D. The Owner has plans to construct an automobile dealership including buildings with associated access drives, parking lots and landscape areas (hereinafter "Improvements");

E. The proposed Improvements, as shown on the drawings listed below (hereinafter "Plans"), are attached hereto and made a part hereof as Exhibit "C":
   1. Zone 7 Access – Sheet No. 1 of 1 by Ruggeri-Jensen-Azar, dated November 12, 2014
   2. Utility Plan – Sheet No. C2.3 by Ruggeri-Jensen-Azar, dated November 12, 2014

3. Grading & Drainage Plan – Sheet No. C3.3 by Ruggeri-Jensen-Azar, dated November 12, 2014

F. Zone 7 and Owner desire to amend the Original Easement to establish mutually agreeable specific terms and conditions for Owner's construction of the Improvements in the Easement Area (Owner as used herein shall also mean its employees, agents, and contractors).

<u>THE PARTIES AGREE AS FOLLOWS</u>:

1. **PERMITTED USE**: Zone 7 hereby consents to the Improvements as shown upon the Plans subject to the following terms and conditions, to the extent applicable:

    a. <u>Notification</u>: Owner shall notify Zone 7 prior to activities within 5 feet of the Waterline including: grading, paving, trenching, verifying Waterline depth (potholes), initially installing landscaping (but excluding on-going maintenance activities) or similar activities. This notification can be coordinated through the Underground Service Alert (USA) service at 811. A minimum of 48 hours' notice is required. Zone 7 will determine if a Zone 7 inspector needs to be present during such activities.
    b. <u>Grading</u>: A minimum of three (3) feet of cover, over the top of the Waterline, is required. No fill in excess of one (1) foot may be placed on the existing Easement Area surface without the expressed written consent of Zone 7. Equipment and methodology to be used for grading, including excavation and compaction, within the Easement Area must be identified prior to commencing grading activities and reported to Zone 7. Monitoring by a Zone 7 Inspector during such activities may be required. Owner shall immediately cease any grading activities deemed unsafe by Zone 7.
    c. <u>Underground Utilities</u>: Utility lines crossing the Waterline must be vertically separated to a minimum of 12 inches from the Waterline. Separation requirements shall also comply with the State of California Department of Health Services (or successor agency) Guidance Memo No. 2003-2: Criteria for "The Separation of Water Mains and Non-Potable Pipelines," dated October 16, 2003, and as may be updated.
    d. <u>Substructures</u>: Parallel utilities, pole bases, water line 'kicker blocks,' storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed within the Easement Area.
    e. <u>Structures</u>: No structures are to be built within Easement Area. This includes houses, garages, outbuildings, swimming pools, tennis courts, retaining walls, decks, patios, carports, septic tanks, wells, storage sheds, tanks, vaults, transformer pads, loading ramps, or similar, nor to allow to be done anything which could prevent vehicles and equipment from operating anywhere within the Easement Area.
    f. <u>Fencing</u>: Parallel fencing is not allowable within the easements, and any perpendicular fencing must have 14-foot wide gates for Zone 7 access. Gates will be secured with Zone 7 locks.

g. Landscaping: No trees or deep-rooted shrubs shall be located within the Easement Area. Zone 7 shall not be responsible for replacing any landscaping damaged in the course of accessing its Waterline along the Easement Area; however, Zone 7 agrees to use commercially reasonable efforts to avoid damaging the Owner's landscaping.

h. Additional Improvements: Prior to installation of any additional improvements, or material modifications to the Improvements, Owner shall submit plans and specifications to Zone 7 for review and approval; however, Zone 7's approval shall not be required for (i) Owner's maintenance or pruning existing landscaping or (ii) Owner's replacement of dead or diseased landscaping with a plants of a similar variety and root depth. The additional improvements, including modifications, shall not be installed by the Owner, or its contractor without first securing written approval from Zone 7, which shall not be unreasonably withheld, conditioned or delayed.

i. Permits: All Improvements installed by Owner shall be with benefit of any necessary construction, building or use permits in compliance with any applicable federal, state, or local government requirements.

j. Removal of Improvements: Any improvements or facilities installed in violation of this Amended Easement shall be removed by Owner, at Zone 7's discretion, and at Owner's sole cost and expense.

k. Work on Zone 7 Facilities: Prior to any work on Zone 7's Waterline or appurtenances after the initial construction of the Improvements, Owner shall obtain an Encroachment Permit from Zone 7. Waterline appurtenances may include, but are not limited to, line valves, air valves, blow offs and electrolysis test stations along with any boxes or vaults housing said appurtenances. All costs associated with such work shall be borne by the owner including: Encroachment Permit fees, inspection costs and surety bonds. Alternatively, Zone 7 may at sole discretion choose to undertake such work itself, in which case all reasonable and actual costs and expenses associated with such work shall also be borne by the Owner.

2. **ZONE 7 ACCESS**: Zone 7 shall have non-exclusive access to its Easement Area through Owner's property at all times, over and across the all-weather access road as shown in the Plans as Exhibit C (the "Access Road"). The Access Road shall be not less than 12 feet wide, with a minimum outside turning radius of 50 feet to accommodate Zone 7's maintenance vehicles. Owner shall cause the Access Road to be constructed as an all-weather stabilized surface. Notwithstanding any provision of the Original Easement to the contrary, the parties agree that the Access Road, once constructed by the Owner, shall be the only route by which Zone 7 shall access the Waterline and the Easement Area provided that the Access Road does not become obstructed or unusable.

3. **MAINTENANCE BY ZONE 7**: Zone 7 shall provide Owner with advance notice of any scheduled maintenance or repair operations it may undertake; however; routine inspections will not require advanced notice. In the event of an emergency that requires immediate access to Zone 7's Waterline, Zone 7 shall notify as soon as reasonably possible, Owner

and/or Tenant, by phone at the number provided in Section 4 and/or other contact number as may be provided by the Owner.

4. **NOTICE**: Any demand or notice which either party shall be required, or may desire to make upon or give to the other, shall be in writing and shall be delivered personally upon the other or be sent by first class mail to the respective parties as follows:

Zone 7: General Manager
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551
925-454-5000

Owner: Mathew Enterprise, Inc.
4100 Stevens Creek Blvd.
San Jose, CA 95129
Contact: Mathew Zaheri
408-248-1800

Either party may, from time to time, designate any other address for this purpose by written notice to the other party, given with ten (10) business days' notice.

5. **INTEGRATION & MODIFICATION**: The Original Easement, as modified by this Amended Easement, constitutes the complete expression of the agreement between the parties. Any modification of or addition to this Amended Easement must be in writing signed by both parties.

IN WITNESS WHEREOF the parties hereto have executed this Amended Easement on the dates appearing below their respective authorized signatures.

Alameda County Flood Control and Water Conservation District, Zone 7	Stoneridge Chrysler Jeep Dodge
By: ____________________________	By: ______________________
G. F. Duerig General Manager	Title: ______________________
Date: _________________	Date: _________________

Cross Valley Pipeline
Map: RE 300

Exhibit A

RL 3884 IM 820

When recorded return to:
Alameda County Flood Control &
Water Conservation District
399 Elmhurst Street
Hayward, California 94544

NO.75- 22135
RECORDED
1975 FEB 24 PM 2:25
RENE C. DAVIDSON
ALAMEDA COUNTY, CA.

DOCUMENTARY TRANSFER TAX: EXEMPT

SIGNATURE OF AGENT

DH

GRANT OF EASEMENT

THIS INDENTURE, made this 20th day of November, 1973, between the COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called COUNTY, and the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, hereinafter called DISTRICT,

WITNESSETH:

That COUNTY, for and in consideration of the benefits resulting to COUNTY, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to COUNTY thereby, does hereby GRANT and CONVEY unto DISTRICT, an easement and right of way to construct, maintain, operate, inspect and repair a pipe line for conveying water, with necessary and proper valves and other appliances and fittings, and devices for controlling electrolysis for use in connection with said pipe line, together with adequate protection therefor, and appurtenances in, through, and under the following described strip of land:

PARCEL 12

REAL PROPERTY in the State of California, County of Alameda, Township of Pleasanton, unincorporated, described as follows:

PORTION of that parcel of land described in the deed from Laurence R. Staples, et ux., to the County of Alameda, dated July 26, 1951, recorded July 31, 1951, in Book 6500, Page 20, of Official Records of Alameda County, more particularly described as follows:

COMMENCING at the northwestern corner of that parcel of land described in the deed from the County of Alameda to the State of California, recorded August 22, 1969, in Reel 2464, Image 460, of Official Records of Alameda County, said northwestern corner lying on the western boundary line of that parcel of land described in said deed from Laurence R. Staples, et ux., to the County of Alameda; thence along said western boundary line South 1° 15' 38" West 44.020 feet to the point of beginning; thence South 88° 29' 26" East 584.213 feet; thence South 88° 32' 27" East 1039.086 feet; thence South 83° 39' 58" East 544.103 feet to a point on an arc of a curve to the right from which the center point of said curve bears South 6° 20' 02" West 910.000 feet; thence along the arc of said curve 534.702 feet through an angle of 33° 39' 58"; thence South 50° 00' 00" East 198.700 feet to a point on an arc of a curve to the left from which the center point of said curve bears North 40° 00' 00" East 580.000 feet;

75- 22135

This is to certify that the interest in real property conveyed by RE:3884 IM:821

Grant of Easement dated November 20, 1973 from

COUNTY OF ALAMEDA, a political subdivision of the State of California,

to Alameda County Flood Control and Water Conservation District, a body corporate and politic, is hereby accepted by order of the Board of Supervisors of the Alameda County Flood Control and Water Conservation District on February 4, 1975 by Resolution No. 11111, and the grantee consents to recordation thereof by its duly authorized officer.

Date February 4, 1975

By Kevin M. Cassady
KEVIN M. CASSADY, CHIEF, REAL ESTATE DIVISION, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

thence along the arc of the last said curve 308.032 feet through an angle of 30° 25' 45" to a point of reverse curvature from which the center point of a curve bears South 9° 34' 15" West 170.000 feet; thence along the arc of the last said curve 243.669 feet through an angle of 82° 07' 29"; thence South 1° 41' 44" West 147.910 feet; thence South 88° 18' 16" East 30.000 feet to the western boundary line of that parcel of land described in the deed from the County of Alameda to the State of California, recorded December 16, 1969, on Reel 2533, Image 530, of Official Records of Alameda County; thence along the last said western boundary line South 1° 41' 44" West 25.000 feet; thence North 88° 18' 16" West 55.000 feet; thence North 1° 41' 44" East 172.910 feet to a point on an arc of a curve to the left from which the center point of said curve bears North 88° 18' 16" West 145.000 feet; thence along the arc of the last said curve 207.835 feet through an angle of 82° 07' 29" to a point of reverse curvature from which the center point of a curve bears North 9° 34' 15" East 605.000 feet; thence along the arc of the last said curve 321.309 feet through an angle of 30° 25' 45"; thence North 50° 00' 00" West 198.700 feet to a point on an arc of a curve to the left from which the center point of said curve bears South 40° 00' 00" West 885.000 feet; thence along the arc of the last said curve 520.012 feet through an angle of 33° 39' 58"; thence North 83° 39' 58" West 543.039 feet; thence North 88° 32' 27" West 1038.033 feet; thence North 88° 29' 26" West 584.115 feet to the first mentioned western boundary line; thence along said western boundary line North 1° 15' 38" East 25.000 feet to the point of beginning.

The bearings and distances used in the above description are on the California Coordinate System, Zone No. 3. Multiply the above distances by 1.0000973 to obtain ground level distances.

COUNTY further grants and conveys to DISTRICT:

(a) the right of ingress to and egress from said strip over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to COUNTY; provided that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said strip by any public road or highway now crossing or hereafter crossing said lands; provided, further, that if any portion of said lands is or shall be subdivided and dedicated roads or highways on such portion shall extend to said strip, said right of ingress and egress on said portion shall be confined to such dedicated roads and highways;

(b) the right to use such portion of said lands contiguous to said strip as may be reasonably necessary in connection with the installation and replacement of such pipe line;

(c) the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on said strip and to trim and to cut down and clear away any trees on either side of said strip which now or hereafter in the opinion of DISTRICT may be a hazard to said pipe line, valves, appliances or fittings, by reason of the danger of falling thereon, or may interfere with the exercise of DISTRICT'S rights hereunder; provided, however, that all trees which DISTRICT is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of COUNTY, but all tops, lops, brush and refuse wood shall be burned or removed by DISTRICT;

(d) the right to install, maintain and use gates in all fences which now cross or shall hereafter cross said strip;

(e) the right to mark the location of said strip by suitable markers set in the ground; provided that said markers shall be placed in fences or other locations which will not interfere with any reasonable use COUNTY shall make of said strip.

DISTRICT hereby covenants and agrees:

(a) DISTRICT shall not fence said strip or construct any installation above ground level, except marker posts and exposed appurtenance boxes will be allowed in unimproved areas. If the strip becomes a paved road, all boxes shall be relocated or lowered to be flush with the pavement surface and all marker posts and appurtenances shall be removed or relocated;

(b) DISTRICT shall promptly backfill any trench made by it on said strip and repair any damage it shall do to COUNTY'S private roads or lanes on said lands;

(c) DISTRICT shall indemnify COUNTY against any loss and damage which shall be caused by the exercise of said ingress and egress or by any wrongful or negligent act or omission of DISTRICT or of its agents or employees in the course of their employment.

COUNTY reserves the right to use said strip and to grant or assign said use to others for purposes which will not interfere with DISTRICT'S full enjoyment of the rights hereby granted; provided that COUNTY, its grantees and assigns shall not erect or construct any reservoir or other obstruction on said strip, or diminish or substantially add to the ground cover over said pipe line.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

IN WITNESS WHEREOF, COUNTY has caused this instrument to be executed by J. P. BORT, Chairman of the Board of Supervisors of the County of Alameda, State of California, pursuant to the authority of Resolution No. 151267, adopted November 20, 1973.

Dated: NOV 20 1973

COUNTY OF ALAMEDA

Attest: [signature]
JACK K. POOL, Clerk of the Board of Supervisors of the County of Alameda, State of California

By: [signature]
Chairman, Board of Supervisors Alameda County, California

State of California)
) ss.
County of Alameda)

On this 20th day of November, 1973, before me YVONNE D. QUAN, a Notary Public in and for the County of Alameda, State of California, residing therein, duly commissioned and sworn, personally appeared J. P. BORT, known to me to be Chairman of the Board of Supervisors of the County of Alameda, State of California, and Jack K. Pool, known to me to be the Clerk of the Board of Supervisors of the County of Alameda, State of California, that executed the within instrument and the officers who executed the within instrument on behalf of the County of Alameda therein named, and acknowledged to me that said County of Alameda executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

YVONNE D. QUAN
NOTARY PUBLIC
Alameda County, Calif.
My commission expires Feb. 3, 1975

Yvonne D. Quan
Notary Public in and for the County of Alameda, State of California

RE:3884 IM:825 FEB -4 1975

Approved as to Form
RICHARD J. MOORE, COUNTY COUNSEL

By .... Deputy

75- 22135

THE BOARD OF SUPERVISORS OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, STATE OF CALIFORNIA

On motion of Supervisor ...., Seconded by Supervisor ....
And approved by the following vote,
Ayes: Supervisors ....
Noes: Supervisors ....
Excused or Absent: Supervisors ....

THE FOLLOWING RESOLUTION WAS ADOPTED: NUMBER 11111

APPROVE PURCHASE OF EASEMENT; DRAW WARRANT; ACCEPT AND RECORD EASEMENT.

WHEREAS, a permanent easement in the hereinafter described parcel of real property is required by the Alameda County Flood Control and Water Conservation District for the purpose of constructing, improving and maintaining a flood control facility as part of the Zone No. 7 Project; and

WHEREAS, the COUNTY OF ALAMEDA, a political subdivision of the State of California, the owner of said real property, has offered to grant said permanent easement to said District for the sum of TWO THOUSAND SIX HUNDRED NINE AND 00/100 DOLLARS ($2,609.00) plus costs of reconveyances and subordinations, if any, and upon the terms and conditions contained in that certain offer dated November 20, 1973, attached hereto and by reference made a part hereof; and

WHEREAS, the offer of said property owner is considered reasonable; and

WHEREAS, authorization for the expenditure of funds has been approved by the Board of Directors of Zone No. 7 by Resolution No. 738, adopted on January 15, 1975, a copy of which is attached hereto; and

WHEREAS, said real property is situated in the Township of Pleasanton, County of Alameda, State of California, and is more particularly described in Exhibit "A" attached hereto and by reference made a part hereof;

NOW, THEREFORE, BE IT RESOLVED, that the acquisition of said permanent easement by the Alameda County Flood Control and Water Conservation District from the aforesaid owner for the aforesaid amount and upon the terms and conditions contained in that certain offer referred to above be and it is hereby approved; and

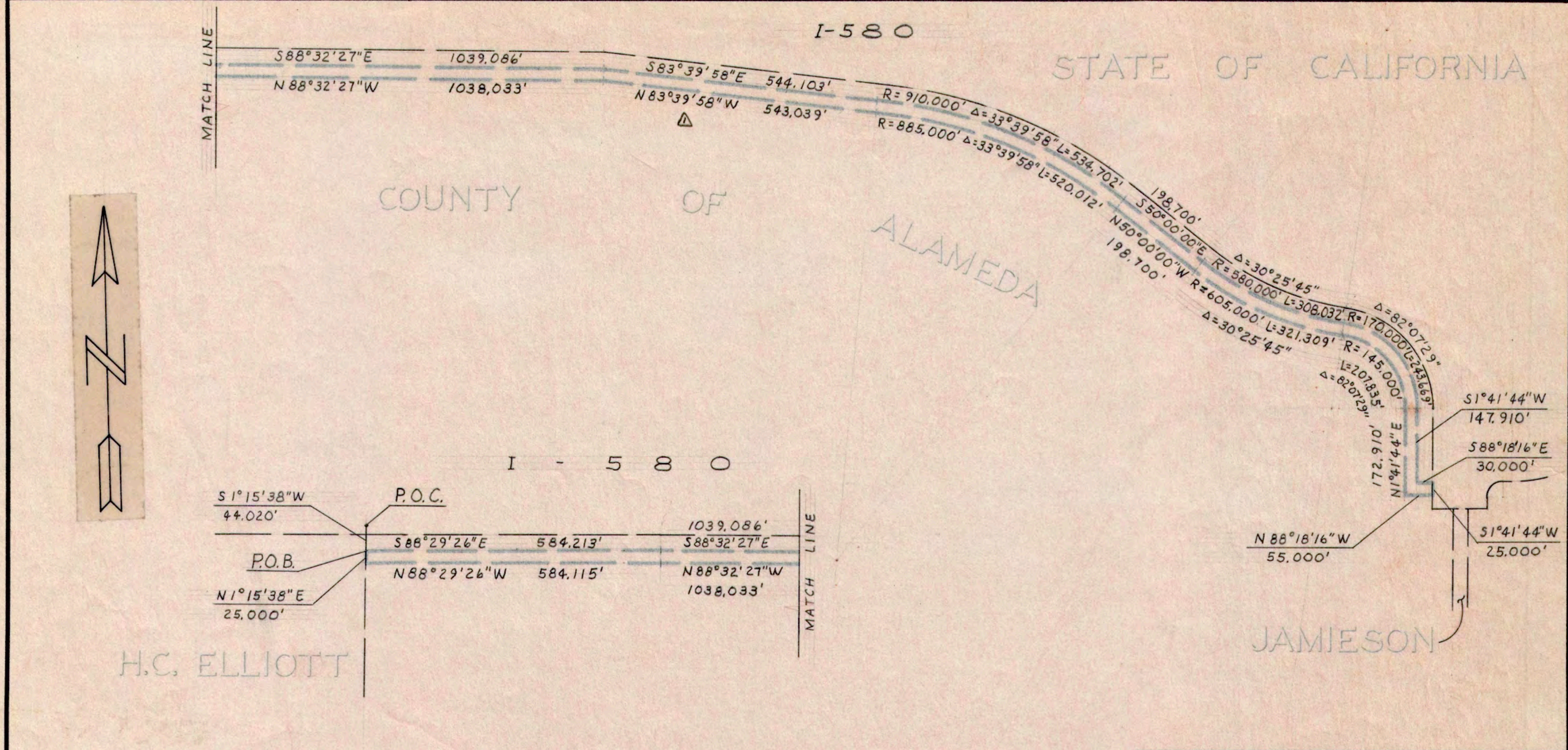
BE IT FURTHER RESOLVED, that the Auditor be and he is hereby authorized and directed to draw his warrant payable to County of Alameda for the sum of TWO THOUSAND SIX HUNDRED NINE AND 00/100 DOLLARS ($2,609.00) on the Zone No. 7 Capital Fund, said warrant to be transmitted to the Director of Public Works for deposit with the County of Alameda as payment to said owner; and

BE IT FURTHER RESOLVED, that said easement executed by the County of Alameda, dated November 20, 1973, be and the same, is hereby accepted and the Director of Public Works be and he is hereby authorized and directed to cause said permanent easement to be recorded with the Recorder of the County of Alameda.

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Supervisors of the Alameda County Flood Control and Water Conservation District on FEB -4 1975
Attest FEB -4 1975
JACK K. POOL, CLERK OF
THE BOARD OF SUPERVISORS
Edna Kennedy

Zone 7, CVWL, Parcel 12

Exhibit B



LEGEND

— — — (project lines)	PROJECT RIGHT OF WAY AND EASEMENT LINES
— — — (other lines)	PROPERTY, RIGHT OF WAY AND EASEMENT LINES OTHER THAN THOSE FOR PROJECT

REVISIONS

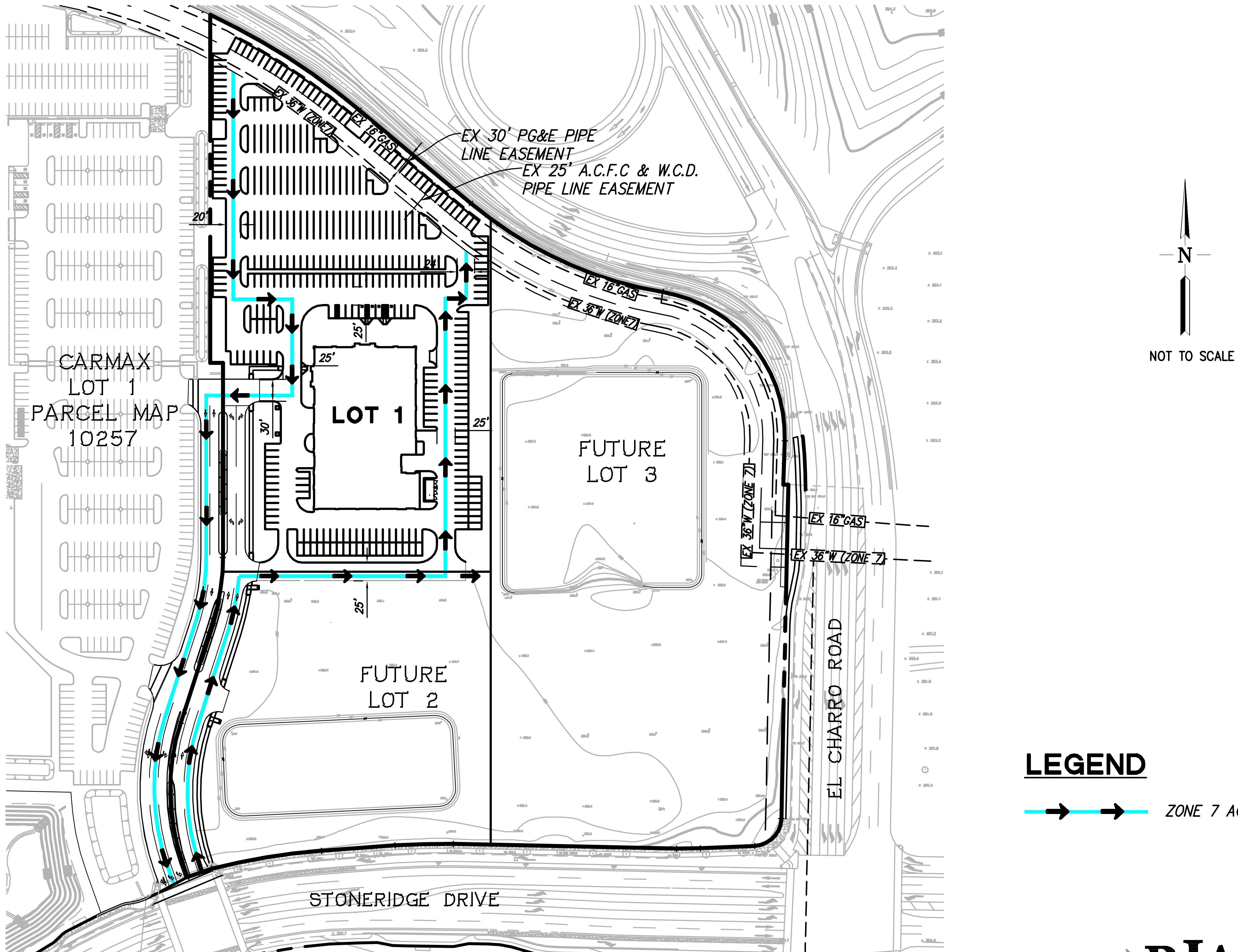
NO.	DESCRIPTION	BY	DATE	APVD
5				
4				
3				
2				
1	Bearing Correction	JK	1-73	H

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

ZONE NO. 7 PROJECT
LANDS AND EASEMENTS
CROSS-VALLEY PIPELINE
COUNTY OF ALAMEDA PROPERTY

DRAWN A.B.M.	DATE OCT., 1972			
CHECKED WW	SCALE 1"=200'			
APPROVAL REC H	FILE NO. RE-300	SHEET NO. 1	OF 1	
APPROVED [signature]				

Exhibit C-1



LEGEND

ZONE 7 ACCESS PATHWAY

ZONE 7 ACCESS EXHIBIT

PLEASANTON DEALERSHIP - CHRYSLER DODGE JEEP

CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA

FOR: ASE CONSTRUCTION MANAGEMENT

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: NOVEMEBER 12, 2014 JOB NO.: 131095 SHEET: 1 OF 1

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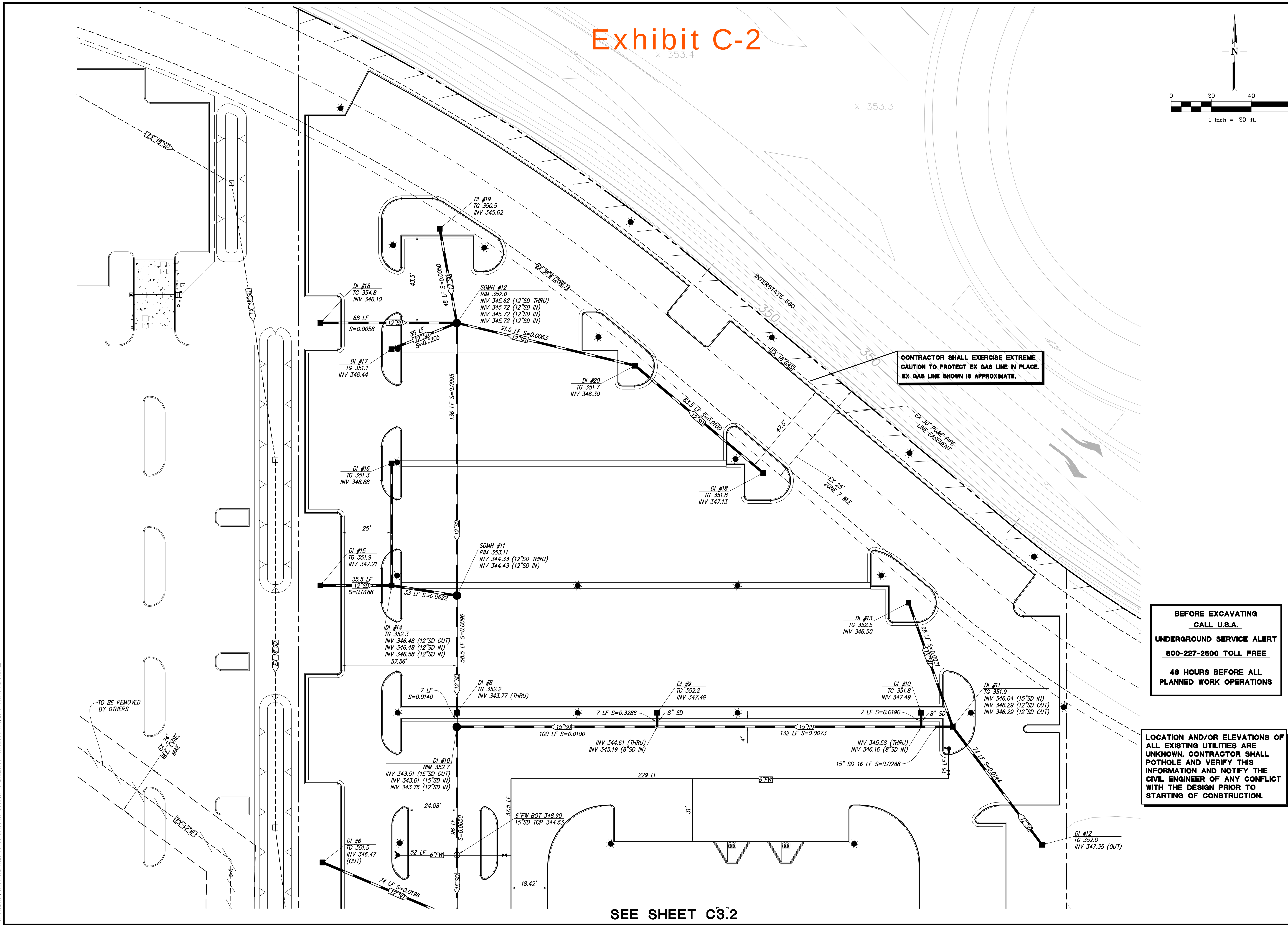
Exhibit C-2



RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

IMPROVEMENT PLANS
PLEASANTON DEALERSHIP CHRYSLER DODGE JEEP

UTILITY PLAN

CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA

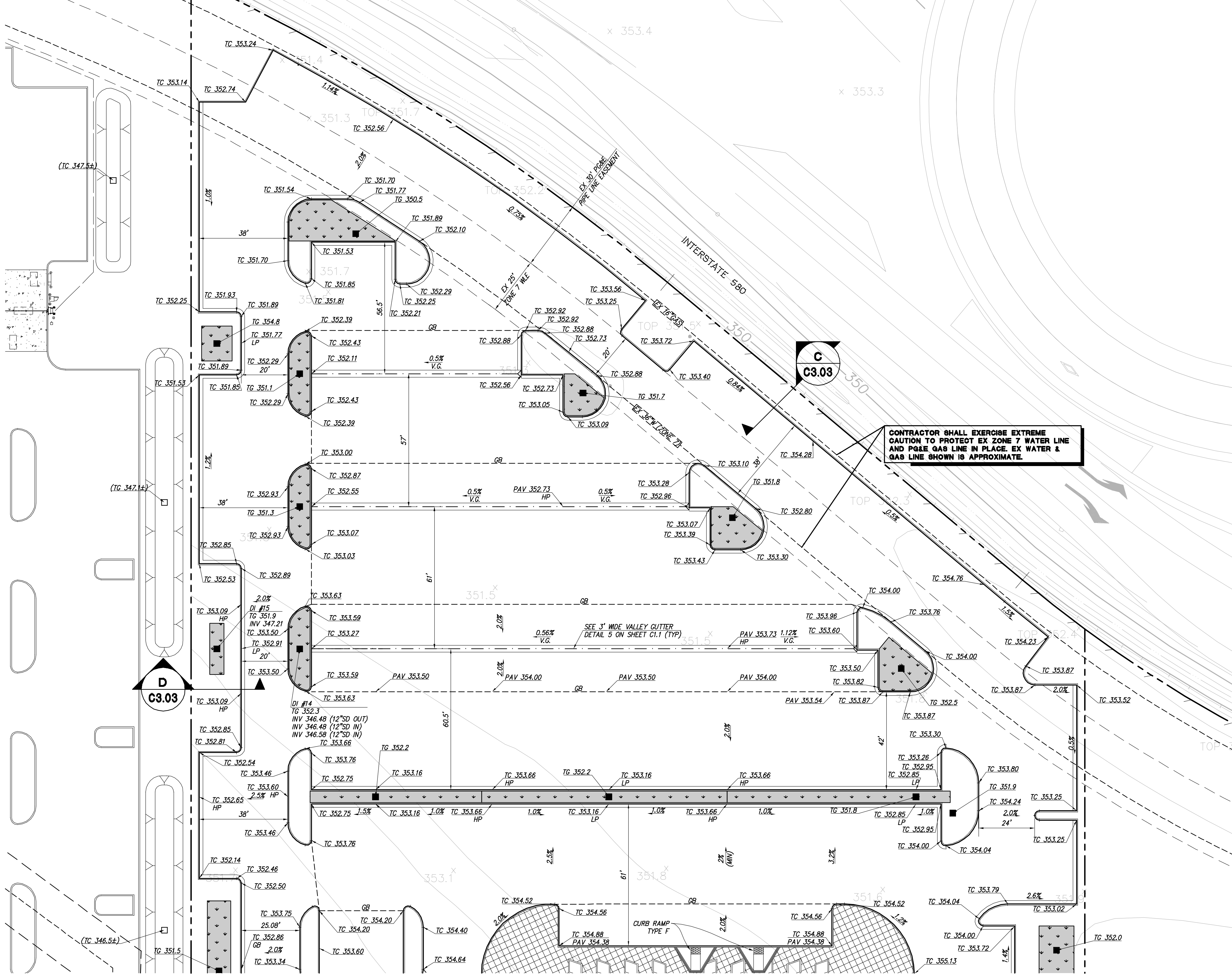
FOR: ASE CONSTRUCTION MANAGEMENT

SCALE 1" = 20' | DATE 09-08-2014 | DRAWN BL/DC | CHECKED ES | PROJ. MGR. ES

SHEET NO. C2.3 OF 19 SHEETS

JOB NO. 131095

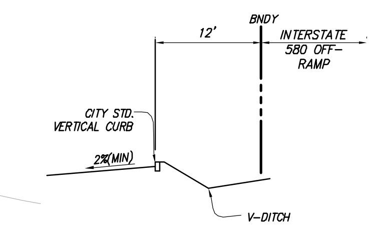
Exhibit C-3



CONTRACTOR SHALL EXERCISE EXTREME CAUTION TO PROTECT EX ZONE 7 WATER LINE AND PG&E GAS LINE IN PLACE. EX WATER & GAS LINE SHOWN IS APPROXIMATE.

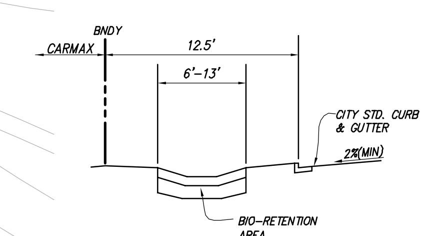
0 20 40 60

1 inch = 20 ft.



SECTION C

NOT TO SCALE



SECTION D

NOT TO SCALE

BEFORE EXCAVATING
CALL U.S.A.
UNDERGROUND SERVICE ALERT
800-227-2600 TOLL FREE
48 HOURS BEFORE ALL PLANNED WORK OPERATIONS

LEGEND

(TC 100.00)	TOP OF CURB ELEVATIONS (PER IMPROVEMENT PLANS PREPARED BY MACKAY & SOMPS)
TC 100.00	PROPOSED TOP OF CURB ELEVATIONS (PER THESE PLANS)

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

IMPROVEMENT PLANS
PLEASANTON DEALERSHIP CHRYSLER DODGE JEEP
GRADING & DRAINAGE PLAN
CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA
FOR: ASE CONSTRUCTION MANAGEMENT

SCALE 1" = 20'
DATE 09-08-2014
DRAWN BL/DC
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PROJ. MGR. ES

DATE	MK	SHEET REVISIONS	BY	CK	CITY

SHEET NO. C3.3
OF 19 SHEETS
JOB NO. 131095

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ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY • LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: Water Quality
CONTACT: Brian Keil\Gurpal Deol

AGENDA DATE: January 21, 2015 ITEM NO. **5e**

SUBJECT: Cost Sharing Agreement for Invasive Mussel Inspection Program at Lake Del Valle

SUMMARY:

- Zebra and Quagga mussels foul water delivery systems and pipes that divert, treat, or transmit raw surface water, which dramatically increases operation and maintenance costs.
- The Department of Water Resources (DWR) in 2011 sponsored a study that concluded that there were periods over the past decade when calcium and pH levels in the South Bay Aqueduct water were within limits for survival of these mussels. Preventative efforts have been successful, with only two new discoveries of mussels in California water bodies in 2012, and no discoveries in 2013 and 2014.
- The invasive mussel response plan developed to prevent or delay the infestation of Lake Del Valle as long as possible was first implemented in July 2008. The cost of the program for 2015 is estimated at approximately $283,387 by East Bay Regional Park District (EBRPD). EBRPD will be responsible for any costs in excess of $283,387.
- The program has been jointly funded by EBRPD, Santa Clara Valley Water District, Alameda County Water District, and Zone 7 since 2008. It is anticipated that the program will continue to be jointly funded in 2016 and subsequent years with a modest increase in cost each year depending on a number of factors.
- Zone 7's share of the cost of the program for 2015 is not to exceed $66,097, much less than the projected annual cost of managing an infestation. Each year that infestation is delayed represents significant savings to Zone 7. EBRPD has continued with inspections in January in anticipation of the four-way agreement for 2015 being executed by the end of January. Zone 7's portion of the total cost will likely remain under $75,000 for many subsequent years based on our experience with previous cost increases in the Cost Sharing Agreement.
- This item seeks Board approval for the General Manager to negotiate and execute cost sharing agreements with EBRPD for invasive mussel inspections at Lake Del Valle for this year and subsequent years as long as the cost to Zone 7 does not exceed $75,000 per year.

FUNDING:
This effort is funded from Fund 100 –Water Enterprise.

RECOMMENDED ACTION:
Adopt the attached resolution authorizing the General Manager to negotiate and execute a four way funding agreement among EBRPD, ACWD, SCVWD, and Zone 7 to fund the Quagga and Zebra mussel prevention program for Lake Del Valle in 2015 and subsequent years for a not-to-exceed cost to Zone 7 of $75,000 each year.

ATTACHMENTS:

- Zone 7 Board Resolution
- Draft Cost Sharing Agreement for 2015 Lake Del Valle Invasive Mussel Inspection Program

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Cost Sharing Agreement for Invasive Mussel Inspection Program at Lake Del Valle

WHEREAS, the impact of Quagga and Zebra mussels has been well documented in the Great Lakes and Northeastern United States for the past twenty years and has resulted in hundreds of millions of dollars in annual costs to the power and water industry; and

WHEREAS, these mussels were found in Southern California in January 2007, and in San Justo Reservoir in San Benito County in January 2008; with only two new discoveries in 2012 in Southern California systems an no new infestation in 2013 and 2014; and

WHEREAS, an infestation of the South Bay Aqueduct facilities and/or Zone 7 facilities would result in significant financial and water supply impacts.

WHEREAS, Zone 7 will likely be invited to continue to enter into annual cost sharing agreements with EBRPD for Quagga and Zebra Mussel prevention program for Lake Del Valle beyond 2015 and the annual cost would likely increase but remain under $75,000 for many subsequent years based on our experience with previous cost increases in the Cost Sharing Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute a four-way funding agreement among EBRPD, ACWD, SCVWD, and Zone 7 to continue the Quagga and Zebra Mussel prevention program for Lake Del Valle in 2015 and subsequent years, for a not-to-exceed cost to Zone 7 of $75,000 each year.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on January 21, 2015.

By: ______________________________
President, Board of Directors

COST SHARING AGREEMENT FOR INVASIVE MUSSEL INSPECTION PROGRAM AT LAKE DEL VALLE

This Cost Sharing Agreement for the Invasive Mussel Inspection Program at Lake Del Valle ("Agreement") is made and entered into this 1st day of January, 2015 by and between the East Bay Regional Park District ("EBRPD"), Alameda County Water District ("ACWD"), Santa Clara Valley Water District ("SCVWD"), and Zone 7 of Alameda County Flood Control and Water Conservation District ("Zone 7").

RECITALS

WHEREAS, EBRPD manages and operates Lake Del Valle ("Del Valle") in Alameda County, California pursuant to an Operating Agreement with the State of California; and

WHEREAS, ACWD, SCVWD, and Zone 7, (collectively referred to as "Water Agencies") each receive water from Del Valle; and

WHEREAS, Zebra and Quagga Mussels are invasive mussels that have been encroaching into California water supply systems causing significant damage and risk to public water supplies and infrastructure; and

WHEREAS, the infestation of these mussels into lakes and reservoirs also has the potential to damage fisheries and harm other flora and fauna; and

WHEREAS, in 2008 the Water Agencies requested EBRPD to develop and implement an invasive mussel response plan that includes inspection of watercraft in order to reduce the risk of translocation of mussels to Lake Del Valle; and

WHEREAS, the invasive mussel response plan developed and implemented in July 2008 by EBRPD will be continued in 2015; and

WHEREAS, EBPRD has appropriated funds in the District's 2015 Budget, Project #571200 for one-quarter the cost of the inspection program and the Water Agencies are willing to share with EBRPD the remaining cost of the inspection program as a means of avoiding potentially much greater costs for water supply in the future if infestation occurs; and

WHEREAS, this Agreement is intended to set forth the cost-sharing and other responsibilities of the parties regarding the inspection program,

NOW, **THEREFORE**, it is agreed to as follows:

1. <u>Inspection Program</u>. EBRPD shall continue the inspection program of boats and other watercraft entering Lake Del Valle. The inspection program is generally described in Exhibit "A" hereto.

2. Term. The term of this Agreement shall be from January 1, 2015 to December 31, 2015.

3. Schedule. EBRPD shall inspect all watercraft entering Lake Del Valle. The Inspection Program must be continuously enforced every day through December 31, 2015.

4. Compensation.

   a. Costs. EBRPD estimates that the inspection program will cost approximately $283,387 in personnel, annual Quagga Inspection Services, LLC for the Quagga Inspection Database (QID), and supplies. EBRPD and Water Agencies agree to share the cost of the inspection program on an equal basis up to a maximum amount of $66,097by each Agency. EBRPD shall be solely responsible for any costs in excess of $283,387.

   b. Grants. EBRPD and Water agencies will share in any funds received from Department of Fish and Game for Quagga and Zebra Mussel Infestation Prevention programs.

   c. Inspection Fees. EBRPD will collect inspection fees in its sole discretion. Such inspection fees have been used to offset the costs to each party equally.

   d. Payment. EBRPD shall send a bi-annual invoice to each of the Water Agencies documenting the costs incurred and each party's proportionate share of the costs. The Water Agencies shall pay EBRPD within sixty days of the date of EBRPD's invoice.

5. Independent Contractor. EBRPD, in the performance of the tasks to be performed by it, shall act as and be an independent contractor and not an agent or employee of the Water Agencies. As an independent contractor, EBRPD shall be responsible for tasks performed by its agents, contractors, or employees, including the payment of any and all compensation, or the provision of any benefits due said agents, contractors, or employees. EBRPD shall indemnify and hold harmless Water Agencies for any claims that may be made by EBRPD agents, employees, or contractors for benefits or compensation.

6. Indemnification. EBRPD shall be solely responsible for the inspection program. EBRPD shall defend, indemnify and hold harmless the Water Agencies, and their respective officers, employees, contractors and agents from and against claims, loss or liability arising out of or resulting from the work performed by the EBRPD under this Agreement.

7. No Representation or Warranties. The Water Agencies acknowledge that despite the best efforts of EBRPD and implementation of an inspection program, quagga/zebra mussels may be trans-located to Del Valle. EBRPD makes no representations or

warranties regarding the ability of inspections to prevent the introduction of quagga/zebra mussels to Del Valle. Notwithstanding the foregoing paragraph (Indemnification), the parties understand and agree that nothing in this Agreement shall be construed as imposing duties, liabilities or costs on EBRPD as a result of the presence of quagga/zebra mussels in Del Valle.

8. Records. EBRPD shall maintain all records or documents relating to the Agreement and the inspection program at Del Valle for a minimum of three years from the date of termination of this Agreement.

9. Compliance with Laws. EBRPD shall comply with all applicable laws, ordinances, codes, regulations, and orders of federal and state regulatory authorities in the implementation of the inspection program.

10. Governing Law. This Agreement shall be governed by the laws of the State of California and venue shall be in the County of Alameda.

11. Counterparts. This Agreement may be signed in counterparts, which together shall constitute one Agreement.

12. Entire Agreement. This Agreement, including all exhibits attached hereto, represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to the matters covered herein. This Agreement may only be modified by a written amendment duly executed by the parties this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the day and year first written above for the Cost Sharing Agreement for Invasive Mussel Inspection Program at Lake Del Valle

.

EAST BAY REGIONAL PARK DISTRICT	**ZONE 7 ALAMEDA COUNTY FLOOD CONTROL AND WATER CONVERSATION DISTRICT**
By: ______________________________	By: ______________________________
Robert E. Doyle General Manager	G.F. Duerig General Manager
APPROVED AS TO FORM:	**APPROVED AS TO FORM:**
By: ______________________________	By: ______________________________
District Counsel	General Counsel
ALAMEDA COUNTY WATER DISTRICT	**SANTA CLARA VALLEY WATER DISTRICT**
By: ______________________________	By: ______________________________
Walter L. Wadlow General Manager	Beau Goldie Chief Executive Officer
APPROVED AS TO FORM:	**APPROVED AS TO FORM:**
By: ______________________________	By: ______________________________
General Counsel	District Counsel

EXHIBIT A

Quagga and Zebra Mussel Watercraft Inspection Program – Lake Del Valle

1. All kayaks, canoes, inflatable boats, trailered boats, float tubes, and other watercraft entering Lake Del Valle shall be inspected prior to launch.

2. The inspections will be conducted by trained staff using inspection protocols developed jointly with the water agencies that reflect state-wide "Clean and Dry" best management practices.

3. The inspection station shall be staffed starting at sunrise or 6:00 a.m., whichever is later, until one hour before sunset, 7 days per week. The launching of watercraft shall not be permitted outside the operating hours of the inspection station.

4. Boaters will be required to agree to a watercraft inspection and complete a pre-inspection questionnaire to determine if the watercraft has previously been used in mussel infected waters. Boaters must have current identification and the vessel must be registered.

5. The inspection station may be temporarily closed if weather presents a serious risk of injury to the inspector or if agency personnel closed Del Valle to launching. In the case of a body of water being closed, inspectors would not leave until all boats were off the water and banded.

6. Watercraft failing clean and dry inspection standards shall not be re-inspected or permitted to launch for a minimum of five days.

7. Watercraft failing inspection because of a suspected presence of invasive mussels shall be temporarily quarantined pending the notification and response of the California Department of Fish and Game. EBRPD Police Department will assist as necessary.

8. A tagging or banding system shall be available for trailered watercraft leaving Lake Del Valle. Trailered watercraft entering Del Valle with an intact tag or band from any EBRPD or any mutually agreed upon designated agency inspection station will be permitted to enter the Lake under an abbreviated inspection process. Non-trailered watercraft that cannot be tagged or banded will be inspected.

9. The EBRPD will implement and collect a non-refundable fee for watercraft inspection services. Trailered watercraft with an intact band will not be subject to an inspection fee. Non- trailered watercraft with an Inspection Form issued within the last thirty days will not be subject to an inspection fee. Entry and water craft launch fees shall be reimbursed if the watercraft fails the inspection. Float tubes will be inspected free of charge.

10. No new inspections (un-banded boats) will be initiated during periods of rain without a covered area in which to perform the inspection. Banded boats will be permitted to launch regardless of weather conditions.

11. EBRPD will purchase annual reporting services from Quagga Inspection Services, LLC for the Quagga Inspection Database (QID), a method of tracking inspections and failures in real-time throughout the network of lakes and reservoirs participating in the program.

12. EBRPD will maintain the necessary records for costs related to the inspection program.

13.

Estimated Costs		
Salary	$	281,487
Contingency	$	0
Inspection Supplies	$	1,000
QID	$	900
Fees Collected	$	(19,000)
Net Cost	$	264,387
1/4 Cost	$	66,097

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: Integrated Planning
CONTACT: Amparo Flores/Carol Mahoney

AGENDA DATE: January 21, 2015 **ITEM NO. 5f**

SUBJECT: Professional Services Agreement with West Yost Associates

SUMMARY:

- Zone 7 Water Agency is developing a plan for the transmission system that will enable it to meet existing and future conditions, consider changes in demand projections and supply options, and incorporate planned or proposed facilities.
- Issues related to operational improvements/requirements such as increased storage capacity, maintenance of adequate pressures for specific turnouts, the possibility of reduced pressures in the west-side of the system, ability to serve the east-side with groundwater under emergency conditions, hexavalent chromium compliance, and potential redefinition of pressure zones would have to be considered in such a plan.
- In response, Zone 7 staff are initiating the "Transmisison System Planning Update," a project which will address the needs described above and develop recommendations for operational and capital improvements that can be incorporated into Zone 7's Capital Improvement Program (CIP).
- Given the expertise required to complete this project under the required schedule, staff recommend using consulting services as identified by a Request-for-Proposal (RFP) process to support staff efforts.
- Based on the RFP process, staff has selected West Yost Associates as the most qualified firm for the Transmisison System Planning Update.

FUNDING:
Funds are budgeted in the FY 14/15 budget for this project, split between Fund 120 (Renewal/Replacement & System-Wide Improvements) at 35% ($140,000) and Fund 130 (Expansion) at 65% ($260,000). The total amount of $400,000 includes both staff time and consulting services.

RECOMMENDED ACTION: Staff recommends that the Board adopt the resolution authorizing the General Manager to negotiate and execute a Professional Services Agreement with West Yost Associates for the Transmission System Planning Update in an amount not-to-exceed $160,000, which includes a $35,000 contingency. If the General Manager is unable to negotiate an acceptable Professional Services Agreement with West Yost Associates, then the General Manager is authorized to negotiate and execute a Professional Services Agreement with the second-most qualified consultant, as identified during the RFP process, in an amount not-to-exceed $160,000, which includes a $35,000 contingency.

ATTACHMENTS:
Memorandum providing additional background
Resolution

INTEROFFICE MEMORANDUM

DATE: January 21, 2015

TO: Jill Duerig, General Manager

FROM: Amparo Flores, Associate Engineer

SUBJECT: Professional Services Agreement with West Yost Associates for the Transmission System Planning Update

INTRODUCTION

In 2000, Camp Dresser and McKee completed the "Treated Water Facilities Master Plan," which evaluated expansion requirements for Zone 7's treated water facilities, including the transmission system, through 2020. While Zone 7 staff have continued to consider the findings from that report over the years, there has not been a formal update of that effort. Over the last fourteen years, there have been many changes related to demands, regulations, policy, operations, and other factors; these changes need to be reflected in an updated plan for Zone 7's water system. For example, while Zone 7's water transmission system was designed to meet the Maximum Day Demand (MDD), operators have had to meet Peak Hourly Demand (PHD) to maintain adequate system-wide pressures. This will increasingly present a challenge as demands continue to rise, since Zone 7's system was not constructed to have the infrastructure required to meet PHD, such as sufficient temporary transmission system storage. Furthermore, changes in Zone 7's needs through build-out in approximately 2040 need to be incorporated into the planning process.

The "Transmission System Planning Update" focuses on the transmission system and its ability to continue to provide an adequate level of service through buildout. The goal of the project is to develop a plan for Zone 7's transmission system that would enable it to meet existing and future conditions, consider changes in demand projections and supply options, and incorporate planned or proposed facilities. Of particular interest are issues related to operational improvements/requirements such as increased storage capacity, maintenance of adequate pressures for specific turnouts, the possibility of reduced pressures in the west-side of the system, ability to serve the east-side with groundwater under emergency conditions, hexavalent chromium compliance, and potential redefinition of pressure zones.

Recommendations for operational and capital improvements to the transmission system will be developed as part of the project based on a long-term evaluation of Zone 7's system requirements. The findings from the project will be incorporated into Zone 7's Capital Improvement Program (CIP). This project will be a collaborative effort among the Consultant; Zone 7's staff in the Operations, Maintenance, Facilities Engineering (FE), Water Quality (WQ), and Integrated Planning (IP) groups; and Zone 7's retailers. It will build upon transmission system modeling work recently completed by Advanced Hydro Engineering to evaluate and improve Zone 7's water supply hydraulic model and to analyze a potential booster pump station. Given the expertise required to complete this project within the desired schedule, staff recommend using consultant services as identified through a Request-for-Proposal (RFP) process to support staff efforts. A consultant can also provide independent Quality Assurance/Quality Control of Zone 7's transmission system hydraulic model, which is critical to the CIP planning process and operations optimization efforts.

DISCUSSION

Staff issued an RFP for the “Transmission System Planning Update – Consulting Services” on November 13, 2014. In addition to posting the RFP on the Zone 7 website, seven consulting firms were contacted directly. Three consultants (Carollo Engineers, Advanced Hydro Engineering, and West Yost Assocaites) submitted proposals by the deadline of December 4, 2014. All proposals were responsive and all three consultants were interviewed by the Zone 7 evaluation proposal team during the week of December 15, 2014.

Based on the quality of the proposals and performance at the interviews, West Yost Associates (Consultant) was identified as the most qualified to perform this work. This selection was based on: 1) the strong technical team with extensive expertise in both hydraulic modeling and master planning, 2) West Yost Associates’ familiarity with Zone 7’s hydraulic model and understanding of water supply issues and challenges faced by the Zone 7 service area, 3) capability to package the work products for communication with retailers, the Board, and the public, and 4) local accessibility of the project team.

The project’s draft Scope of Services is included as **Attachment A**.

The Transmission System Planning Update (also called the ‘Storage/Transmission/Distribution System Master Plan Update’) is included in the Fiscal Year (FY) 2014/2015 Budget, with $140,000 allocated out of Fund 120 (Renewal/Replacement & System-Wide Improvements) and $260,000 out of Fund 130 (Expansion) for a total budget of $400,000. This amount covers the total project cost, including Zone 7 staff time (estimated at $240,000) and professional services (estimated at $160,000). There is an additional project budget of $171,000 identified in the FY 15/16 Capital Improvement Program. At this time, the plan is to stay within the FY 14/15 budgeted amount.

A proposal amount of $125,000 is identified in the West Yost Associates proposal. However, staff recommends authorizing a $35,000 contingency because the scope of one of the major tasks, Task 8: Operations Analysis, will be defined further as part of the project as the Consultant becomes more familiar with Zone 7’s transmission system and its challenges, and could require more effort than anticipated by the Consultant.

RECOMMENDED ACTION:

Staff recommends that the Board adopt the resolution authorizing the General Manager to negotiate and execute a Professional Services Agreement with West Yost Associates for the Transmission System Planning Update in an amount not-to-exceed $160,000, which includes a $35,000 contingency. If the General Manager is unable to negotiate an acceptable Professional Services Agreement with West Yost Associates, then the General Manager is authorized to negotiate and execute a Professional Services Agreement with the second-most qualified consultant, as identified during the RFP process, in an amount not-to-exceed $160,000, which includes a $35,000 contingency.

ATTACHMENT A

Scope of Services

1. Kick-Off Meeting and Workshop

The goal of the kick-off meeting with the project team is to discuss the project plan, including the Scope of Services, roles and responsibilities, and schedule. The Zone 7 Project Manager and the Consultant shall develop the project plan together to reflect the agreed-upon Scope of Services; the plan shall be distributed at the kick-off meeting for review and input. A transmission system workshop with Operations, Maintenance, FE, WQ, and IP staff shall also be conducted to have a more detailed discussion and documentation of issues that need to be addressed in the project such as operational constraints of existing clearwells, pressure issues in the west side of the system, etc.

<u>DELIVERABLES</u>: Project plan (developed with Zone 7 Project Manager), facilitation of one-hour kick-off meeting and two-hour workshop, meeting summary, and documentation of issues

2. Identification of Transmission System Criteria or Goals

Performance criteria or goals for the transmission system need to be identified so that existing and planned system performance can be compared against them. Any deficiencies identified shall be corrected through recommended operational modifications, capital improvements (e.g., addition of clearwells, pipeline expansion, addition of booster pump station or pressure reducing valves), or a combination of both (see Task 5). Criteria shall include, at a minimum, pressures/flows, water quality, and peaking demand patterns. Criteria shall be developed based on regulations/codes, policies, agreements with retailers, and standard industry practices. Meetings shall be scheduled with the retailers to solicit their input and to discuss the recommended criteria/goals. Consensus on system criteria or goals, and approval by Executive Management, will be critical to the development of operational and capital improvements resulting from this project.

<u>DELIVERABLES</u>: Two to four one-hour meetings, meeting summaries, review of relevant documents, development of draft and final criteria/goals

3. Development of Planning Scenarios

With input from the Consultant, Zone 7 staff will use updated demand projections and water supply options to develop scenarios for near-term and build-out conditions. Scenarios will also incorporate the existing system and planned improvements (e.g., PPWTP expansion, additional wells, reliability intertie).

<u>DELIVERABLES</u>: Scenario development with Zone 7 staff

4. Hydraulic Model Review

Zone 7 currently uses H2ONet and Infowater software for transmission system modeling. Building confidence in the hydraulic model is a critical element of this project. To that end, the Consultant may recommend alternative modeling software that may be more appropriate for Zone 7's needs. In particular, user-friendly interactive software options available for operational use should be considered. A peer review of the current approach may be part of the proposed scope, if appropriate.

Before hydraulic modeling is performed for scenario analysis, quality assurance/quality control shall be performed on the selected model ensuring that it is properly calibrated and validated. Zone 7's current hydraulic model was recently updated to include record drawing information for well and pump station facilities, including available certified pump curves. Model verification analysis was also performed for the existing transmission system under limited or no surface water conditions. This work will be coordinated closely amongst IP, FE, Operations, and Maintenance to ensure that the model accurately reflects actual operating conditions.

DELIVERABLES: Review of Zone 7's hydraulic model, model QA/QC review, recommendation of alternative model (as appropriate), preparation and revision of technical memo summarizing findings, one to two meetings to discuss model review

5. Scenario Analysis and Development of Operational and Capital Improvement Recommendations

Once the hydraulic model (Zone 7's current model or an alternative) has been updated and vetted, it will be used to analyze the scenarios developed at a master-planning level. The hydraulic modeling shall be conducted in an iterative process as the model results are used to evaluate operational and capital improvement recommendations, particularly related to additional storage and a booster pump station. Various options to address system deficits relative to the system criteria/goals shall be developed by the project team (Consultant and Zone 7 staff). The Consultant shall also work with Zone 7 staff to analyze the pros, cons, feasibility, and costs of the options and to develop a short list of recommendations. The findings and recommendations shall be vetted with Zone 7's Executive Management before the preparation of the final report.

DELIVERABLES: Hydraulic modeling of scenarios, three to four meetings with Zone 7 staff to collect data and solicit input, development of recommendations with the project team, meeting with Zone 7 Executive Management to present findings in a PowerPoint format

6. Reports

The Consultant shall present the findings from the study in a preliminary draft Transmission System Plan Update for review by Zone 7 staff. Based on the staff comments, the Consultant shall make the necessary revisions to prepare the draft version for review by Zone 7's Executive Management. The final version shall incorporate comments from Executive Management.

DELIVERABLES: Preliminary draft, draft, and final Transmission System Planning Update, one to two meetings to review each report

7. Project Management

This task includes overall project coordination and check-ins, and the preparation of invoices.

DELIVERABLES: Meetings/correspondence as required, monthly progress reports and invoices

8. Operations Analysis

This task involves evaluation of specific water supply and operating conditions. While the overall project is focused on a master-planning level of effort, this task would involve analysis of existing operational issues such as the potential need for additional pressure zones, constraints of existing storage, conditions that lead to high pressures in the system, chromium-6 compliance through blending, etc. This work will be coordinated closely amongst IP, FE, Operations, and Maintenance to ensure that the model accurately reflects actual operating conditions. Some of the items noted above may need to be addressed as part of the master-planning effort; only items that require additional effort shall be covered under this task's budget. Work to be performed under this task will be developed based on the results of the workshop under Task 1.

DELIVERABLES: To be determined.

ZONE 7

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY

SECONDED BY

Professional Services Agreement with West Yost Associates for the Transmission System Planning Update

BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute a Professional Services Agreement with West Yost Associates for the Transmission System Planning Update in an amount not-to-exceed $160,000, which includes a $35,000 contingency. If the General Manager is unable to negotiate an acceptable Professional Services Agreement with West Yost Associates, then the General Manager is authorized to negotiate and execute a Professional Services Agreement with the second-most qualified consultant, as identified during the RFP process, in an amount not-to-exceed $160,000, which includes a $35,000 contingency.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on January 21, 2015.

By ______________________________

President, Board of Directors

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: ADMINISTRATIVE SERVICES
CONTACT: GINGER STATON

AGENDA DATE: January 21, 2015 ITEM NO. 6

SUBJECT: November Employee of the Month Recognition

SUMMARY:

The Employee Recognition Program Nomination Committee met in November and selected the Employee of the Month for November 2014 according to the established Program Guidelines. The individual chosen out of the submitted nominations is then recommended to Management for approval and there is a subsequent announcement of the selection to all Agency employees.

Caroline Abram, Water Plant Operator III has been chosen from among those nominated as the November 2014 Employee of the Month. Caroline works in the Operations section at the Del Valle Water Treatment Plant.

As noted in her recommendation, Caroline is a hard worker and strives to improve processes. One example is a recommendation she made with regard to the powdered activated carbon (PAC) feed system. Operators use the forklift to empty large bags of PAC into a hopper and it can be a messy job. Strong winds often experienced at the water treatment plants have blown PAC material everywhere during the process. Caroline came up with a windsock at the PAC feed stations so that operators could determine wind direction and mitigate the potential for getting PAC material blown everywhere.

It was also noted that Caroline is considerate to others, and she inspires those who work with her to do the same.

The committee seconded the recommendation and recognized Caroline as a valuable employee and asset to Zone 7, with management approving the selection.

RECOMMENDED ACTION:

It is recommended that the Zone 7 Board of Directors recognize and congratulate Caroline as November 2014 Employee of the Month.

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: Administrative Services
CONTACT: Boni Brewer/Tom Pico

AGENDA DATE: January 21, 2015 ITEM NO. 7

SUBJECT: Contract with Morrison & Associates, Inc., for Outreach Program Support Services

SUMMARY:

- Zone 7's consultant contract for community outreach, water education and regional/local agency coordination support services aims to leverage subject matter expertise in water issues, water science, knowledge of the local community, and strategic communications in support of Zone 7 programs and projects.
- Following a Request for Proposals process in 2012, and based on staff recommendations, the Board authorized a contract with Morrison & Associates, Inc., covering a three-year period from July 1, 2012 through June 30, 2015, with the potential for up to two one-year extensions at Zone 7's discretion.
- Including allowable reimbursable expenses, the maximum annual compensation under the initial three-year contract was $179,000, reflecting no increase from each of the previous two years. Optional extensions were to be upon mutually agreeable terms, coming back to the Board for approval.
- Morrison & Associates, Inc.'s performance, to date, has been satisfactory.
- For FY 2015-16, staff recommends a new contract with Morrison & Associates, Inc., in an amount not to exceed $211,000. The increase would, among other things, allow Zone 7 to renew and incorporate a currently separate $20,000 General Manager FY 2014-15 contract that is increasing water-related classroom presentations at the high school level.

FUNDING:

Funding for this contract is available from Fund 100-Water Enterprise and Fund 200-Flood Control.

RECOMMENDED ACTION:

By resolution, authorize and direct the General Manager to negotiate and execute an as-needed professional services contract for the period from July 1, 2015 through June 30, 2016 with Morrison & Associates, Inc., in an amount not to exceed $211,000.

ATTACHMENTS:

Memo with additional detail
M&A Proposal
Resolution

Interoffice Memo

Date: January 21, 2015
To: Jill Duerig, General Manager
From: Boni Brewer, Communications Specialist
Subject: Contract for the Schools Program, Community Outreach, Water Education and Regional/Local Agency Coordination Support Services

The following provides additional background and discussion on the above-referenced agenda item:

BACKGROUND:

Zone 7's public outreach program is enhanced by a consultant contract for community outreach, water education and regional/local agency coordination support services. This contract aims to leverage subject matter expertise in water issues, water science, knowledge of the local community, and strategic communications in support of Zone 7 programs and projects.

In 2012, staff issued a new Request for Proposals for "Community Outreach, Water Education and Regional/Local Agency Coordination Support Services." Of the three proposals received, a rating team comprised of Zone 7 staff representatives selected Morrison & Associates, Inc., as the best qualified to provide the needed professional services. On that basis, the Board approved a three-year contract from July 1, 2012 through June 30, 2015, in an annual amount not to exceed $179,000 (reflecting no increase from each of the previous two years). The new contract provided for two optional one-year extensions beyond the original three-year period.

Staff now proposes a new contract for FY 2015-16 in an amount not to exceed $211,000. This new contract would, among other things:

- Renew and incorporate a separate $20,000 General Manager FY 2014-15 contract that is increasing classroom presentations with relevant water-resources curriculum at the high school level. This curriculum touches on key aspects of Zone 7's mission in providing a reliable supply of high-quality water and an effective flood control system in an environmentally sensitive way.
- Provide for an hourly rate increase, in an amount averaging approximately 11.2 percent, for Morrison & Associates staff members providing services under this contract. Hourly rates have not increased over the current contract's three-year term, during which time the Bay Area Consumer Price Index has increased by approximately 8 percent, according to the Bureau of Labor Statistics.

DISCUSSION:

In FY 2014-15, the contract with Morrison & Associates (M&A) covered the following:

- **Schools Program (K-12)**: Zone 7 Schools Program is having a tremendous year and is expected to reach more than 12,000 students. The number of K-8 classroom presentations either completed or scheduled through the end of the school year by M&A totals 400 (up from 354 during the 2013-14 school year), and the number of high school classroom presentations is expected to reach 49. All schools program material is designed to meet state science standards for the target grade levels. The schools program is well represented across the various school districts in the Zone 7 service area. In addition to classroom presentations mentioned above, the program also conducts creek walks and participates in school science fairs. Numbers of presentations have substantially increased over time largely due to administrative efficiencies, and feedback from teachers continues to be positive.

- **Community Outreach**: M&A supports agency participation in such events as the Pleasanton Green Scene, Dublin Pride Week, the Livermore Children's Fair, special events during the Alameda County Fair, Home & Garden Shows at the Alameda County Fairgrounds, the Sunol Spring Wildflower Festival, and other community events. As part of Water Awareness Month each May, it helps provide focused messaging at events and in the schools. It also has regularly participated in workshops about water-wise practices. It has worked closely with Zone 7 staff on developing banners for public events, and new materials promoting water conservation and stormwater pollution prevention.

- **Regional/Local Agency Coordination Support Services:** Through government relations work, M&A among other things has been instrumental in helping Zone 7 attract grant funding.

Planned tasks within the scope of the proposed FY 2015-16 contract include:

- **Schools Program (K-12):** Develop and deliver classroom presentations and science day/fair displays and booths covering topics ranging from watershed and creek protection to storm drain protection, water quality and water conservation.

- **Community Outreach**: Plan, coordinate and execute special events, such as annual Earth Day events; and participate in other local community events, including Home and Garden Shows, farmers' markets, creek walks and community fairs.

- **Graphics Support for Community Outreach:** Provide graphics support to produce materials in conjunction with Community Outreach efforts.

- **Regional/Local Agency Coordination Support Services**: On an as-needed basis, assist Zone 7 management in its communications and liaison efforts with other Bay Area water resource agencies and with water resource grant administering agencies in Sacramento. This can involve serving as a liaison with regional coalitions, such as the Bay Area Integrated Regional Water Management Plan and professional organizations such as the Bay Area Flood Protection Agencies Association. It also includes assisting Zone 7 in obtaining grants under Proposition 84 and the new Proposition 1.

- **Clean Water Program:** On an as-needed basis, support Zone 7 staff in responding to public outreach requirements and other administrative requirements of the Alameda Countywide Clean Water Permit (ACCWP).

RECOMMENDATION: Staff proposes authorizing the General Manager to negotiate and execute a contract with Morrison & Associates, Inc., in an amount not to exceed $211,000.

MORRISON
& ASSOCIATES, INC.
Environmental Public & Government Relations
Environmental Planning Project Management

River Village Plaza
5256 S. Mission Rd., Suite 1010
Bonsall, CA 92003

Tel: (760) 724-9580
Fax: (760) 724-9590

on the Web
www.morrisonassociates.com

December 30, 2014

Boni Brewer
Public Information Officer
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Subj: Contract to Provide Consulting Services for the fiscal years beginning July 1, 2015

Dear Ms. Brewer:

Morrison & Associates, Inc. is pleased to continue to serve Zone 7 Water Agency for the next fiscal beginning July 1, 2015, by providing a variety of consulting services. Below is a discussion of the tasks and costs in each support category. The costs have increased based on a combination of additional services to be provided as well as increases in hourly rates, the first in over six years.

Schools Program

We continue to reach out to include more schools and classrooms in Zone 7's service area, including Dublin San Ramon Services District that discontinued its schools program several years ago.

The classroom presentations and science day/fair displays and booths will cover topics ranging from watershed and creek protection education to storm drain pollution, drinking water quality, and water conservation. Continued emphasis will be placed on taking Zone 7's Schools Program to high school students.

It is recommended that funding for this task be $100,000. It has historically been $75,000 for the past six years, and now includes the $20,000 to increase classes in the high schools that was funded by an additional contract.

Community Outreach

Zone 7's Community Outreach has increased significantly over the past year. We will continue to support Zone 7 as it reaches out to the public to convey its messages at special events including Earth Day, Water Awareness Month, Dublin Pride Week, the home and garden shows, etc.

It is recommended that funding for this task be $50,000. The funding has been $48,200 for the past six years.

Graphics Support for Community Outreach

This is a task to provide graphics support to produce materials used in conjunction with Community Outreach efforts.

It is recommended that funding for this task continue to be set at $5,000.

Clean Water Program Staff Support

This task entails supporting staff with the increasing public outreach requirements and other administrative requirements of the Alameda Countywide Clean Water Program which essentially is designed to meet mandates of the San Francisco Bay Regional Water Quality Control Board.

We suggest that the funding for this be $6,000. The amount has been $5,000 for the past six years,

Regional/Local Agency Coordination Support

This task entails assisting Zone 7 management in its communications and liaison efforts with retailers, other Bay Area water resource agencies and regulatory agencies in Sacramento. It also includes assisting Zone 7 obtain grants under Proposition 84 and the new Proposition 1.

Funding for this task includes what previously was strategic support and is recommended to be $50,000. It previously was $45,800.

Summary of FY 2011/2012 Tasks Cost and Proposed FYs 2011/2015 Costs

TASK	Budgeted for FYs 2012/2013/2014/2015	Proposed Budget FYs 2012/2015
Schools Program	$75,000	$100,000*
Community Outreach	48,200	50,000
Outreach Graphics	5,000	5,000
CWP Staff Support	5,000	6,000
Agency Coordination	45,800	50,000
Totals	**$179,000**	**$211,000**

* $20,000 separate high school program now included

Billing and Rates

All work is billed time and materials. Morrison & Associates, Inc. does not follow the industry practice of marking up printed materials, supplies and work of subcontractors. Also, we do not separately charge for telephone, fax, mileage, postage and other office expenses. They are included in our hourly rates. Hourly rates remain the same as last year and are as follows:

Position	Hourly rate
Principals	$195
Senior associates	$155
Associates	$130
Graphic Artists	$140

We have enjoyed representing Zone 7 Water Agency and look very forward to a continued relationship the next three years.

Very truly yours,

Carl Morrison
President

enclosure

Morrison & Associates, Inc.
Zone 7 Water Agency
FY 2015/2016 Cost Proposal
Community Outreach, Water Education, and Regional/Local Agency Coordination Support Services

Tasks	Subtasks	FY 2015/2016 Proposed Budget							
		Position	Skill	Rate	Hours	Total	Consulting	Mat/Subs	Total
Schools Program	Schools and other	Principal	Supervisor	$ 195	3	$ 585			
(Grades K-8)	presentations	Sen Assoc	Asst Spvsr/Teacher	$ 155	45	$ 6,975			
		Associate	Teacher	$ 130	500	$ 65,000			
Schools K-8 Program Total						$ 72,560	$ 72,560	$ 7,440	**$ 80,000**
(Grades 9-12)	Schools and other	Principal	Supervisor	$ 195	3	$ 585			
	presentations	Sen Assoc	Asst Spvsr/Teacher	$ 155	45	$ 6,975			
		Associate	Teacher	$ 130	60	$ 7,800			
Schools 9-12 Program Total						$ 15,360	$ 15,360	$ 4,640	**$ 20,000**
Community Outreach	Earth Day and	Principal	Supervisor	$ 195	4	$ 780			
	other community	Sen Assoc	Technical/Spvsr	$ 155	140	$ 21,700			
	events	Associate	Technical	$ 130	180	$ 23,400			
Community Outreach Total						$ 45,880	$ 45,880	$ 4,120	**$ 50,000**
Graphics for Comm Outreach		Associate	Graphic Artist	$ 140	35	$ 4,900			
Graphics for Comm Outreach Total							$ 4,900	$ 100	**$ 5,000**
CWP Staff Support	Clean Water PIP	Principal	Supervisor	$ 195	2	$ 390			
		Sen Assoc	Tech/Regulatory	$ 155	35	$ 5,425			
CWP Staff Support Total						$ 5,815	$ 5,815	$ 185	**$ 6,000**
Regional/Local Agency	Interagency support,	Principal	Tech/Regulatory	$ 195	240	$ 46,800			
Coordination	grants, regulatory	Sen Assoc	Technical	$ 155	15	$ 2,325			
	agency work								
Regional/Local Agency Coordination Total						$ 49,125	$ 49,125	$ 875	**$ 50,000**
GRAND TOTAL							**$ 116,180**	**$ 9,820**	**$ 211,000**

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

Authorizing a Contract with Morrison and Associates, Inc.,
to Provide Professional Services for Outreach Program Support

WHEREAS, professional services for Zone 7 are needed to assist staff in providing community outreach, water education, a schools program and local/regional agency coordination for the period from July 1, 2015 through June 30, 2016; and

WHEREAS, Morrison & Associates, Inc., has been providing these services to the satisfaction of Zone 7, most recently under a three-year contract from July 1, 2012 through June 30, 2015; and

WHEREAS, that three-year contract includes two options for one-year renewals under mutually-agreeable terms;

WHEREAS, the terms proposed by Morrison & Associates for FY 2015-2016 and the first one-year optional renewal seem reasonable;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute a one-year professional services contract with Morrison & Associates, Inc., for the period from July 1, 2015 through June 30, 2016 in an amount not to exceed $211,000.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on January 21, 2015.

By: ______________________________
President, Board of Directors

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: GROUNDWATER SECTION
CONTACT: MATT KATEN

AGENDA DATE: January 21, 2015 ITEM NO. **8**

SUBJECT: First Reading of Proposed Zone 7 Well Ordinance

SUMMARY:

- Zone 7 has actively managed a well permitting program under the terms of County Ordinance 73-68 (now Chapter 6.88 of the General County Ordinance Code) since 1973.
- Staff has developed a Zone 7-specific well ordinance (Ordinance) to replace the County's Ordinance within Zone 7's jurisdiction that will enhance Zone 7's ability to regulate well and soil boring construction and destruction in East Alameda County.
- The Ordinance fully conforms to the State's Model Well Standards Ordinance and provides details on when a permit is required, what well construction standards apply, and what steps Zone 7 will take to enforce provisions.
- The draft Ordinance also provides for the Zone 7 Board to set and maintain its own well permit fee schedule, a draft recommendation for which has been developed.
- The Ordinance and proposed permit fee schedule were introduced and publically reviewed at the Water Resources Committee and regular Board meetings on October 6 and October 15, 2014, respectively.
- The proposed Ordinance and fee schedule were also discussed at the November 2014 and January 2015 Water Resources Committee meetings and reviewed by the Tri-Valley cities and water retailers, Alameda County Water District, Alameda County Public Works Agency and the City of Hayward.
- The County had proposed to amend their General Ordinance to allow the Zone 7 Board to adopt this Ordinance and exclude the Zone 7 area from the Water Well Section of the County's General Ordinance; however, County staff recently proposed updating the County Ordinance to reflect the changes proposed by Zone 7.
- Among the requirements for adoption of any Zone 7 ordinance, a full reading of the ordinance (i.e., "first reading") must be conducted at a Board meeting, or following the reading of its title, the Board may waive the full reading requirement by a majority vote.

FUNDING:
No funding is necessary for the Ordinance adoption; however, implementing associated permit fees will generate revenue which will be deposited into Fund 100-Water Enterprise to fund the Well Ordinance program

RECOMMENDED ACTIONS:
After reading the title, take a vote to waive the full reading of the Ordinance and schedule the consideration of Ordinance adoption at the February 18, 2015, Board meeting.

ATTACHMENTS:

- Memo providing additional background and discussion
- Draft Well Ordinance

Interoffice Memo

Date: January 21, 2015
To: Jill Duerig, General Manager
From: Matt Katen, Principal Geologist, Groundwater Section
Subject: First Reading of Proposed Zone 7 Well Ordinance

The following provides additional background and discussion of the above-referenced agenda item.

BACKGROUND:

Alameda County adopted a Water Well Ordinance (Ordinance 73-68) in July 1973 and later incorporated it into its General County Ordinance Code (Chapter 6.88 (Water Wells)). In June 1973, by resolution, the City of Livermore authorized Alameda County Flood Control and Water Conservation District (ACFCWCD) to administer and enforce the County Ordinance within the city (Resolution 76-73). Likewise, the City of Pleasanton granted ACFCWCD jurisdiction within the city to administer and enforce the County ordinance in February 1974 (Ordinance No. 720). The City of Dublin adopted the County's ordinance by reference and designated Zone 7 as the administering agency in February 1988 (Ordinance 3-88). The ACFCWCD staff who began administering the Ordinance throughout Alameda County in 1973 ultimately became part of Zone 7 and today, Zone 7 continues to be the permit administrator under the County Ordinance for eastern Alameda County.

Over the last several years, staff has been working on a Zone 7-specific Well Ordinance that fully conforms to the State's Model Well Standards Ordinance, considers local geologic and environmental conditions while providing for a high level of protection against improperly constructed or sealed wells and soil borings in Zone 7's service area, and clarifies Zone 7's authority, jurisdiction and role in the implementation and enforcement of the ordinance provisions.

Staff publically presented a draft of the proposed Well Ordinance and well permit fees to Zone 7's Water Resources Committee and to the entire Board of Directors, in October 2014. It was again discussed publically at the November 5th Water Resources Committee meeting. The draft Zone 7 Well Ordinance is attached for reference.

At the October 15, 2014 Board Meeting, the Board received a letter from Alameda County Public Works Agency (ACPWA) that alluded to a potential conflict with the existing County Well Ordinance because of the apparent jurisdictional area overlap of the two ordinances. At that time, staff reported they already had a meeting scheduled with ACPWA to attempt to work out a mutually acceptable solution for the issue.

DISCUSSION:

Staff met with ACPWA staff on October 23, 2014 and discovered that they were not opposed to Zone 7 having their own Well Ordinance or continuing their role as the well permitting agency for eastern Alameda County. Instead, they were interested in modifying the County's ordinance to incorporate the improvements contained in the Zone 7 draft and adding language that clearly designated Zone 7 as an independent administrator of the ordinance for the East County area (i.e., Zone 7 service area). Staff proceeded to work on developing ordinance language, which met the needs of both Zone 7 and the County. Because of the great effort involved in re-writing and adopting a new County Ordinance and to accommodate other changes the County was considering, such as transferring the program to the County

Environmental Health Department, on November 19, ACPWA changed their strategy to accommodate Zone 7's ordinance adoption and implementation schedule by simply amending the County's Water Well Ordinance to allow the Zone 7 Board to adopt a well ordinance specific to the East County area governed by Zone 7 and exclude the Zone 7 area from the County's well ordinance once it was adopted. The proposed amendment had been "Approved as to Form" by County Counsel and the item was tentatively scheduled for the Board of Supervisors' consideration at their January 27, 2015 meeting.

On January 9, 2015, Zone 7 was notified by the County Administrator's Office that since the amendment may impact the countywide ordinance, it needed to first be vetted through the County Board's Transportation and Planning Committee. In a follow up conversation with County staff, it was expressed that the County preferred to go back to the approach of amending the County's Ordinance to incorporate Zone 7's proposed changes with Zone 7 continuing to operate under the countywide ordinance. This history was discussed at the January 13, 2015 Zone 7 Water Resources Committee meeting and the Committee directed staff to bring the First Reading of a new Zone 7 Well Ordinance to the full Board for consideration.

Also discussed at the Zone 7 Board meeting in October, and at the two subsequent Water Resources Committee meetings, was the idea of reducing the proposed permit fees for well destructions in order to avoid discouraging well owners from taking out permits for well destructions and properly sealing the wells. Consequently, staff has since revised the proposed well destruction permit fee from $700 to $500 for a supply well destruction and from $600 to $500 for the first monitoring well destruction on a single- or multi-well destruction permit. The proposed fee for additional monitoring well destructions was left at $200 per additional well destruction. Tables showing the comparison between the proposed permit fees and those from other Northern California jurisdictions and the comparison between the estimated revenue and Agency costs have been updated and are included as Attachments 1 and 2.

Passage of the ordinance requires at least two meetings of the Board of Directors held at least five days apart; one for its introduction and a second for its adoption. One full reading of the ordinance is required at either of the two meetings except when, after reading the title, further reading of the ordinance is waived by regular motion adopted by majority vote. An ordinance summary or a one-quarter page display advertisement of the ordinance must be published in a newspaper of general circulation in the county at least five days prior to the meeting at which the ordinance is to be adopted and once within 15 days after adoption of the ordinance. By default, the ordinance will become effective 30 days after the date of its adoption.

The Ordinance was introduced at the October 15, 2014 Board meeting; however, a full reading or waiver thereof was not conducted at the meeting. Staff recommends that the Board reads the ordinance title aloud and then votes to waive the full reading at the January 21 Board Meeting. Following this Board action, staff propose scheduling the ordinance for possible adoption on the regular February Board meeting agenda and advertise it at least 5 days prior to the meeting and within 15 days following the meeting as required. Staff also recommends adoption of a permit fee schedule at the February Board meeting.

Attachment 1: Proposed Zone 7 Fee Schedule Comparison with other Agencies' Fee Schedules
Attachment 2: Estimated Zone 7 Program Cost vs Projected Fee Revenue

Attachment 1
Proposed Zone 7 Fee Schedule Comparison with Other Agency Fee Schedules

Fee Schedule Year		2014	2013	2013	2013	2013	2013	2013	2013	2013	2013	
PERMIT TYPE	**Proposed Zone 7 Fee Schedule**	**ACWD**	**Alameda Co Public Works**	**Contra Costa County**	**Marin County**	**Monterey County**	**Sacramento County**	**San Francisco City & County**	**San Mateo County**	**SCVWD**	**Solano County**	**Average Fees**
Supply Well Construction	**$700**	$605	$397	$584	$1,124 ($319 for each add. well)	$1,213*	$852	$708 **	$1,262	$400	$613 ($475 for each each add. well)	**$776**
Supply Well Repair/Reconstruction	**$600**	$430	$397	$584	$1,019	$1,213	$320	$708 **	$0	$170	$258	**$510**
Supply Well Destruction	**~~$700~~ $500**	$605	$397	$360	$956	$542*	$746	$708 **	$639	$330	$475 ($160 for each add. well >2)	**$576**
Monitoring Well Constructions	**$600 ($300 for each add'l well)**	$605	$397	$584	$560 ($266 for each each add. well)	$407	$746	$708 **	$577 (Per Parcel)	$400	$475 ($160 for each add. well >2)	**$546**
Monitoring Well Destructions	**~~$600~~ $500 ($200 for each add'l well)**	$605	$397	$360	$440 ($213 for each each add. well)	$407	$426	$708 **	$577 (Per Parcel)	$330	$475 ($160 for each add. well >2)	**$473**
Cathodic Protection Wells	**$600 ($300 for each add'l well)**	$605	$397	$584	$547	$1,213	$426	$708 **	$1,225	$400	$475 ($160 for each add. well >2)	**$658**
Soil Boring - Geotechnical Investigation:	**$360 up to 6 borings, ($50 for each each add'l boring >6)**	$430 ($70 for each add. boring >4)	$265 (Per Site)	$537 (Per Parcel)	$440 ($106 for each add. boring)	$542 ($72 for each add. boring)	$426 (Per Parcel)	$708 **	$361 (Per Parcel) $721 for Annual Permit	$300 (Per Site)	$258 (for up to 5 borings)	**$427**
Soil Boring - Contamination Investigation:	**$550 up to 6 borings, ($75 for each each add'l boring >6)**	$430 ($70 for each add. boring >4)	$265 (Per Site)	$537 (Per Parcel)	$440 ($106 for each add. boring)	$136 (Per Site)	$426 (Per Parcel)	$708 **	$577 (Per Parcel)	$300 (Per Site)	$258 (for up to 5 borings)	**$408**

* There is a surcharge of $567 for production well construction and destructions in Zone 2 of Monterey Co.

** All SF City and County permits are $326 but do not incl inspection fees. $708 includes 2 hr inspection @ $191/hr

Attachment 2

Estimated Zone 7 Program Cost vs Projected Permit Fee Revenue

Fiscal Year	Total No. of Permits Issued	Estimated Zone 7 Cost	Projected Fee Revenue
FY 2010-11	131	$ 113,069	$ 107,835
FY 2011-12	143	$ 120,557	$ 106,440
FY 2012-13	159	$ 130,104	$ 128,015
FY 2013-14	177	$ 141,710	$ 136,830
Total	610	$ 505,440	$ 479,120
Annual Average	**153**	**$126,360**	**$119,780**

ORDINANCE NO. 2015__

WELL ORDINANCE

The Board of Directors of Zone 7 of the Alameda County Flood Control & Water Conservation District hereby ordains as follows:

Ordinance 2015-_____ regulating the classification, construction and destruction of wells and other soil borings; requiring the destruction of abandoned or unused wells; establishing a well permit process; and adopting well construction and destruction standards is hereby adopted.

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage, and before the expiration of fifteen (15) days after its passage, shall be published once with the names of the members voting for and against the same in a newspaper of general circulation, printed, published and circulated in the District.

Introduced at a regular meeting of the Board of Directors held on the 15th day of October, 2014 and passed and adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District, State of California on the ___ day of ____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

____,

President of the Board of Directors
of Zone 7 of the Alameda County Flood Control and
Water Conservation District, State of California

____

Judy Rector, Secretary of the Board of Directors

ZONE 7 WATER AGENCY WELL ORDINANCE 2015-__

An ordinance of Zone 7 Water Agency regulating the classification, construction and destruction of wells and other soil borings; requiring the destruction of abandoned or unused wells; establishing a well permit process, adopting well construction and destruction standards.

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SECTION 1 - PURPOSE

As applied to wells located within Zone 7 of the Alameda County Flood Control and Water Conservation District ("Zone 7 Water Agency" or the "Agency"), it is the purpose of this ordinance to establish standards, rules and regulations concerning the classification of existing wells, the construction of new wells, the repair, reconstruction or deepening of existing wells, and the abandonment or destruction of wells, including water wells, monitoring wells, cathodic protection wells, and exploratory boreholes. It is the intent of this Ordinance to prevent wells and excavations from causing pollution or contamination of groundwater, or otherwise jeopardizing the health, safety, or welfare of the public.

SECTION 2 - DEFINITIONS

Except as otherwise required by the context of this ordinance, the terms used in this ordinance shall have the same meaning as in Chapter 10 of Division 7 of the California Water Code (Sections 13710, et seq.) and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions. Words used in the present tense include the future as well as the present. The singular number includes the plural, and the plural the singular. Section headings shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

"Abandoned Well" is any well defined by one or more of the following:

a) A well, other than a monitoring well, which has been out of service continuously for 12 months or more, and does not meet the definition of an "inactive well" or "standby well."

b) A monitoring well from which no measurement or sample has been taken for a period of 12 months unless owner demonstrates intention of future use and maintains the well as “inactive well.”
c) A well which is in such a state of disrepair that it cannot be made operational for its intended purpose.
d) A test hole or exploratory boring 24 hours after construction and testing work has been completed.
e) A cathodic protection well that is no longer functional for cathodic protection purpose(s).
f) Any boring that cannot be satisfactorily completed as a well.

“Active Well” means a well that has been utilized at least once in the preceding 12 months for the extraction, sampling or monitoring of groundwater or soil vapor.

“Agency” shall mean Zone 7 Water Agency.

“Agricultural Well” or “stock well” means any well used solely to supply water for irrigation or other agricultural purposes.

“Annular seal” is the seal between the conductor casing or borehole and the well casing.

“Aquifer” or “Water-bearing zone” means a body of strata that is sufficiently permeable to conduct groundwater and to yield significant quantities of water to wells and springs.

"Board" shall mean the Board of Directors of Zone7 Water Agency.

“Boring” or “Soil boring” or “Exploratory borehole” or “Test hole” means any uncased excavation or boring greater than ten (10) feet in depth, used to determine engineering, geological, geophysical, geochemical or contamination properties of subsurface materials. The District does not intend for pits, potholes, trenches, excavations for foundation and basements, root-zone piezometers, or similar excavations to be included in this definition.

“Cathodic Protection Well” means any artificial excavation in excess of ten (10) feet deep constructed by any means for the purpose of installing anodes or electrical equipment for the protection of metallic facilities in the ground from corrosion.

“Construction, reconstruction, deepen” means to dig, drive, bore, drill, or deepen a well, or to reperforate, remove, replace, or extend a well casing.

“Contamination” means an impairment of the quality of the waters or soil to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any contaminants in excess of background levels and/or the applicable standard currently promulgated by the State of California for drinking water and/or which is the subject of a cleanup order issued by the Regional Water Quality Control Board, San Francisco Bay Region.

“Contamination hazard” means a condition created by wells or deep excavations that will or may foreseeably cause contamination to spread to uncontaminated waters.

“Contractor” or “Well contractor” means any person or company possessing a C-57 Water Well Contractor's License in accordance with the provisions of the California Business and Professions Code, Section 7000, *et*. *seq*., and Water Code Section 13750.5.

“County” means the County of Alameda.

“Destruction of well” or “Abandonment of well” means the proper filling, sealing, or otherwise rendering unusable a well that is no longer serving it’s intended purpose or has become hazardous to public health or safety, so as to assure that the groundwater is protected and to eliminate a potential physical hazard.

“Domestic water supply well” is any water well used to supply potable water for domestic needs (e.g., drinking, cooking, washing, bathing, etc.) of an individual residence or business or a private system of four or less service connections.

“District” shall mean the Zone 7 Water Agency.

“General Manager” shall mean the General Manager of the Agency or his/her designee.

“Geothermal heat exchange wells” are wells constructed to return to the ground, in a closed-loop system, water which has been used as a heat exchange fluid in air conditioning or heating processes. Geothermal heat exchange wells include Ground-source heat-pump wells. Such wells or boreholes are not intended to produce water or steam.

“Inactive well” or “Standby well” means a well that has not been used for a period of 12 months or more but has been properly secured, protected, and maintained in an inactive condition in accordance with this ordinance’s requirements, for a period not to exceed five years.

“Injection well” or “Recharge well” is any well constructed to introduce water into the underground as a means of replenishing ground water basins.

"Inspecting Officer" shall mean a person designated by the General Manager and authorized to ensure that the provisions of this Ordinance are enforced.

“Irrigation supply well” is any water well used to supply water for irrigation, livestock operation or other agricultural purposes not including any uses of domestic water.

“Modify” or “Repair” means the deepening or enlargement of a well or the perforation or replacement of a casing or sealing-off of aquifers, or other work to alter, improve or maintain the integrity of the well and its water-producing capacity.

“Monitoring well” means a well constructed exclusively for observing groundwater levels and flow conditions, obtaining samples for determining groundwater quality, or for evaluating hydraulic properties of water-bearing strata. Monitoring wells are sometimes referred to as observation wells and/or piezometers. “Monitoring well” also means any “water well” that is used for monitoring purposes.

“Owner” means the owner of the land on which the well is located.

"Person" means any person, association, firm, corporation, municipality, public agency or special district.

"Permit" or "Well Permit" means a permit issued by the Agency pursuant to this Well Ordinance.

"Public nuisance" means any well which threatens to impair the existing water quality of groundwater or otherwise jeopardize the health or safety of the public.

"Repair" means the deepening or enlargement of a well or the perforation or replacement of a casing or sealing-off of aquifers, or other work to improve or maintain the integrity of the well and its water producing capacity.

"Water quality" is a term used to describe the chemical, physical, and biological characteristics of water with respect to its suitability for a particular purpose. The same water may be of good quality for one purpose or use, and bad or poor for another, depending upon its characteristics and the requirements for the particular use.

"Well" or "water well" or "dewatering well" means any cased or uncased boring for the purpose of extracting, injecting or monitoring groundwater. This definition shall include agricultural wells, test wells, monitoring wells, piezometers, observation wells, and wells used for the purpose of dewatering excavations or basements that will not be removed as part of a planned excavation. This definition shall not include: (a) oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of dewatering excavations during construction or stabilizing hillsides or embankments that will be removed as part of the planned excavation.

"Wellhead Protection" is a program where specific well siting, well design and well construction standards, and possibly land use restrictions, are implemented to effectively reduce the risk for existing or potential future surface contamination from degrading groundwater quality.

"Well Standards," refers to the California Department of Water Resource's Bulletins 74-81 and 74-90, any supplements or amendments thereto, as well as any regulations adopted by the Agency in support of this Ordinance.

"Well Ordinance" or "this ordinance" means Ordinance 2015-__, of the Agency

SECTION 3 – JURISDICTION

3.1 Applicable Area

This Ordinance shall apply to all territory lying within the jurisdictional limits of Zone 7 Water Agency, except for those portions where wellhead protection authority has been assigned to another agency through a "Services Agreement" between the agencies. Areas lying within the incorporated cities of Livermore, Pleasanton and Dublin shall be included if each respective municipality has adopted the provisions of this Ordinance by reference thereto in a City ordinance or resolution, and have designated Zone 7 Water Agency as the administering agency.

3.2 Special Requirement Areas

The Agency may designate areas where special well construction techniques and/or well seal(s) are required to prevent spreading of contaminants or mixing of water between water-bearing zones. These areas are typically areas where one or more underlying aquifers of differing water quality are separated from each other by a zone of low permeability. Where an applicant proposes well construction, reconstruction, or destruction work in such an area, the Agency may require the applicant to provide a report prepared by a registered Professional Geologist or registered Professional Civil Engineer (California Business and Professions Code Sections 7850 and 6762 respectively) that identifies the affected water-bearing and non-water bearing strata, as well as the zone(s) of contamination or poor quality water, and recommends construction techniques and seal location(s) designed to prevent the spread of the contamination or poor quality water by the well or during well construction.

SECTION 4 - PROHIBITIONS

4.1 Invalid or No Permit

No Person within the jurisdictional limits of the Agency shall construct, modify, repair, reconstruct, deepen, abandon or destroy any well, or dig, drill or drive any soil boring that may intersect groundwater without possession of a valid permit issued by the Agency unless exempted by law or as provided for in this Ordinance. A valid permit is also required before digging, drilling, driving or sealing any soil boring greater than ten (10) feet in depth within the Agency's jurisdictional limits of the Livermore Valley, Sunol Valley and San Joaquin Valley (Tracy Subbasin) groundwater basins as defined in the most current version of the California Department of Water Resources (DWR) Bulletin 118. .

4.2 Unsecured Well Openings

No Person shall knowingly permit the existence on premises in his or her ownership or possession and control of any well opening or entrance which is not sealed or secured in such a way as to prevent the introduction of contaminants to underground water supplies through open wells.

4.3 Contaminated Water Production

No well intended to produce or monitor fresh groundwater shall be perforated in multiple water-bearing units if contamination, pollution or poor quality water could enter the well from one unit and move to other units penetrated by the well and degrade groundwater quality, unless otherwise approved by the Agency.

4.4 Abandoned Wells

No Person within the limits of the Agency shall knowingly permit the existence of any abandoned well on premises in his or her ownership or possession and control.

4.5 Wasting Groundwater

No Person shall engage in the indiscriminate pumping and discharge of groundwater in a wasteful manner without reasonable purpose.

SECTION 5 - PERMITS

5.1 Permit Requirement

Every person within the jurisdictional limits of the Agency proposing to dig, drill, bore, drive, advance by direct push, construct, reconstruct, deepen or destroy any well, or any soil boring that may intersect groundwater, shall, before commencing the work, apply for and receive a permit as provided in this ordinance to do the work, unless exempted herein, or by law, or by waiver issued by the Agency. A valid permit is also required before digging, drilling, boring, driving or sealing any soil boring that is greater than 10 feet in depth within the Agency's jurisdictional limits of the Livermore Valley, Sunol Valley and San Joaquin Valley (Tracy Subbasin) groundwater basins as defined in the most current version of the California Department of Water Resources (DWR) Bulletin 118. No property owner shall be unreasonably denied the right to install a well or soil boring on his/her property. No permit is necessary to replace or repair well equipment if the well casing is not being modified, the depth is not being changed, or the effectiveness of the annular seal is not being compromised.

5.2 Emergency Work

Emergency work required on short notice to maintain drinking water or agricultural supply systems may proceed without a permit. However, in such cases, the person responsible for the emergency work shall:

a) Apply for a permit within three (3) working days after commencement of 'emergency work,' and pay the normal applicable permit fee(s);
b) Satisfy the Agency that such work was urgently necessary; and
c) Demonstrate that all work performed was done in conformance with the technical standards established pursuant to Section 6 (Standards) of this Ordinance.

Emergency repairs include the construction of a new well, or the repair, deepening or sealing of an existing well. In all such cases, the owner or contractor must file a written statement that this was an emergency repair and the reason for the repair within three (3) days after such repairs are begun, excluding weekends and holidays. The statement shall be accompanied with payment of the normal applicable permit fee(s). The final determination as to whether to issue such permit under the stated emergency conditions, will be made by the Agency. In making the determination, the District will consider such factors and circumstances as: the timing and nature of the emergency, the threats or risks associated with delaying the work to procure a permit, and supporting documents.

5.3 Permit Application

Permits required by this Ordinance shall be subject to general conditions set forth in this Ordinance, as well as any additional site-specific conditions identified by the Agency pursuant to Section 3.2. The Agency shall prescribe and provide a standard form of application for permits under the terms of this Ordinance. The application form shall contain space for the name and address of the applicant; together with such information that in the judgment of the Agency is necessary to establish the location of the well, the purpose of the permit, and the extent of any proposed work. When required by the Agency, drawings and specifications for any proposed work shall accompany the application form and shall be detailed enough to demonstrate compliance with the standards.

Within fourteen (14) calendar days after receipt of a completed Application for a Well Permit, the Agency shall either grant, conditionally grant, or deny the Well Permit. A Well Permit shall not be issued if, in the judgment of the Agency, the Well may jeopardize the health, safety, or welfare of the people of the District.

There shall be compliance, at the Applicant's expense, with the California Environmental Quality Act if, in the Agency's opinion, there may be significant effect(s) on the environment or the resources of the District.

5.4 Contractor's License Requirement

All construction, reconstruction, or destruction work on wells shall be performed by a person who possesses an active C-57 Water Well Drilling Contractor's License in accordance with the provisions of the California Business and Professions Code, Section 7000, *et. seq*., and Water Code Section 13750.5.

5.5 Fees

The Agency may require fees to cover Agency costs for the review of applications, issuance of permits, Board hearings of appeals, review of material submitted and inspection of work under this Ordinance. Such fees shall be adopted and updated from time to time by Zone 7 Board resolution. At the recommendation of the General Manager and approval by the Board, all or any part of the fees and costs of compliance with this Ordinance may be waived by the Agency in accordance with such guidelines and procedures as may be established by the Board.

5.6 Location of Permit

It shall be the responsibility of the permittee to maintain a copy of the permit on the drilling site during all stages of construction or destruction.

5.7 Limitations

When the Agency issues a permit pursuant to this Ordinance, it may condition the permit in any manner necessary to carry out the purposes of this Ordinance. The Agency reserves the right to impose other conditions that, in its sole discretion, are necessary to adequately protect and manage the groundwater basin. Conditions may include, but are not limited to, construction requirements and such quantity and quality testing methods as the Agency finds necessary.

5.8 Abandoned Wells

As a condition of a construction or reconstruction permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this ordinance.

5.9 Proper Disposal of Drilling Fluids

Drilling fluids and other drilling materials used in or generated by the permitted work shall be handled safely, and their disposal shall be in accordance with the law.

5.10 Term of Permit and Completion of Work

Work authorized by a permit issued pursuant to this Ordinance shall be completed by the date set out in the permit. The work shall begin within ninety (90) calendar days from the date of issuance of the permit unless a different starting date is stated in the permit. If the work is not so begun, the permit shall become void. If at any time the General Manager determines that any delay in the prosecution or completion of the work authorized is due to lack of reasonable diligence on the part of the permittee, the General Manager may, following due notice to the permittee and an opportunity to be heard, revoke the permit. The General Manager may, upon good cause being shown, extend the permit for an additional maximum period of six (6) months.

5.11 Expired Permits

Upon expiration of any well permit issued pursuant to this Well Ordinance, no further work may be done in connection with the construction, repair, reconstruction, or abandonment of a well until such permit has been renewed or a new well permit for such purpose is secured in accordance with the provisions of this Well Ordinance.

5.12 Suspended or Revoked Permits

The Agency may suspend or revoke any permit issued pursuant to this Ordinance, whenever it finds that the permittee or his/her agent has violated any of the provisions of this Ordinance, or has misrepresented any material fact in his/her application or other supporting documents for such permit. Upon suspension or revocation of any well permit issued pursuant to this Well Ordinance, no further work may be done in connection with the construction, repair, reconstruction, or abandonment of a well unless and until such permit has been reinstated or a new well permit is secured. Prior to ordering any permanent revocation, the Agency shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the General Manager or his/her designated representative. An appeal may be made as set forth below.

5.13 Ordered Additional Work

Upon suspending or revoking any permit, the Agency may order the permittee to conduct any work reasonably necessary to protect the underground waters from pollution or contamination, if any work already done by the permittee has left a well in such a condition as to constitute a hazard to the quality of the underground waters. No permittee or person who has held any permit issued pursuant to this Ordinance shall fail to comply with any such order.

5.14 Wells Installed Without Permit

5.14.1 Cease and Desist Orders: Upon determining that a well has been installed, or a boring advanced without the required permit or permits, the General Manager may issue a cease and desist order by certified mail to the owner of the property where the well or boring is located, requiring the owner to immediately cease use of the well or boring. The owner or his/her agent must then obtain such permits as are necessary to destroy the well or boring, or legalize its use.

5.14.2 Penalty Fee: Except as provided in Section 5.2 (Emergency Work), any person who shall commence any work for which a permit is required by this Ordinance without having obtained a permit, shall be required, if subsequently granted a permit for this work, to pay double the standard permit fee.

5.14.3 Abatement Actions: Any person who shall commence any work for which a Well Permit is required by this Well Ordinance without having obtained a Well Permit, shall be required, if subsequently NOT granted a Well Permit for this work, to either destroy the unpermitted well or to reimburse the Agency for any costs to abate a nuisance created by the unpermitted well.

5.15 Guarantee of Performance

The Agency may require the applicant to post a cash deposit or bond guaranteeing compliance with the terms of this Ordinance, in an amount determined by the Agency, if the General Manager deems it necessary to protect the Agency and public against faulty or uncompleted work. The amount shall not exceed the total estimated cost of the work. The deposit or bond will be returned or released when the work has been completed to the satisfaction of the Agency.

5.16 Liability

Permittee shall assume all responsibility and liability for, and defend, indemnify and hold harmless the Agency, its Directors, officers, agents and employees from all claims, demands, suits, losses, damages, injury, and liability, direct or indirect (including any and all costs, fees and expenses in connection therewith), caused by acts or omissions of Permittee, its employees, contractors and agents in connection with any work or activity of the Permittee or the failure of the Permitee to perform Permit obligations. Permittee shall at its own cost, expense and risk defend any and all actions, suits, or other legal proceedings brought or instituted against Agency, its directors, officers, agents and employees in connection with or arising from acts or omissions of Permittee, its employees, contractors and agents during work done pursuant to a permit issued by Agency, and to pay and satisfy any resulting judgments, settlements or other expenses associated therewith.

5.17 Waivers and Variances

The Agency shall have the power under the following specified conditions to grant a waiver or variance from any provision of the standards and to prescribe alternative requirements in their place:

5.17.1 Special Circumstances: There must be, in a specific case, a special circumstance where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any standard.

5.17.2 Intent of Ordinance Not Compromised: The granting of such a waiver or variance shall be consistent with the purposes of this Ordinance.

5.18 Inspections

The well site, location, material and methods used may be inspected by the Agency’s Inspecting Officer at any time prior to or during or following construction or destruction of any well. The purposes of these inspections are to:
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a) Determine whether there are any site conditions that warrant further consideration before issuing a permit;
b) Verify that proper depths, materials and methods are being used for seal placement;
c) Determine whether the well was completed in accordance with this ordinance.

5.18.1 Required Notice: The Inspecting Officer shall be informed a minimum of five (5) working days before commencing any field work. A confirmation shall also be given to the Inspecting Officer a minimum of twenty-four (24) hours prior to the operation that is to be inspected, along with the anticipated time for the operation to commence. Drillers who anticipate completing a well construction or destruction in less than one day shall also give the 5-day and 24-hour notifications to the Inspecting Officer.

5.18.2 Waived Inspections: If the Inspecting Officer wishes to allow a seal to be placed or a well destroyed without him or her being present, the driller shall seal the well in accordance with the standards of this Well Ordinance and any permit conditions. A request for a waiver of inspection can be granted if the permittee has arranged for a Professional Geologist or Professional Civil Engineer to provide the inspection and submit a signed and stamped letter attesting to the quality of the work. No seal shall be placed or a well destroyed until the Inspecting Officer gives permission to proceed.

5.19 Completion Report

A copy of the "Report of Completion" (Water Well Driller's Report, Department of Water Resources Form 188) required by California Water Code Section 13751, shall be submitted by the permittee to the Agency within thirty (30) calendar days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the Well Standards and all additional permit conditions. Any additional information or data required as a permit condition shall be submitted at the same time. This information will become public information to the extent permitted by law.

5.20 Requirements of Other Agencies

Nothing in this Ordinance shall be deemed to excuse any person from compliance with the provisions of California Water Code Sections 13750 through 13755 relating to notices and reports of completion or any other federal, state, or local reporting regulations.

SECTION 6 - STANDARDS

All water wells, monitoring wells, geothermal heat exchange wells, and cathodic protection wells shall be constructed, reconstructed, repaired, destroyed, inactivated or converted in accordance with the standards set by this Ordinance and any associated guidelines or regulations, and by state law, and by the latest revisions and supplements of Department of Water Resources Bulletins 74-81 and 74-90.

In addition, the following local standards apply:

6.1 Annular Seals

All wells shall have a grout seal in the annular space. In no case will an outer casing or conductor casing be an acceptable substitute for a seal.

6.2 Exclusion of Contamination

All water wells shall be designed and constructed to exclude contamination as follows:

6.2.1 Sealed Wellhead: All well openings and entrances, including wellheads, top of casing, sounding ports and tubes, and gravel fill ports and tubes shall be secured and maintained with water tight seals or caps in such a way as to prevent the introduction of surface contaminants to underground water supplies through these well openings.

6.2.2 Sealing-off Strata: In areas where a well penetrates more than one aquifer, and one or more of the aquifers contains or is suspected to contain poor-quality water, pollutants or contaminants that could move through the borehole during well construction or operation and could significantly degrade water quality in the other aquifer(s), the aquifer(s) producing such poor-quality water shall be sealed off or 'isolated' to prevent entrance of the poor-quality water into the well or its migration to other aquifer(s).

It is recognized that in some instances production or monitoring may be desired from areas, aquifers, and/or depths which contain poor quality water. It is not the intent of these standards to preclude such situations so long as the integrity of the fresh water supplies is maintained. Final judgment on well constructions that would cause intermingling of waters of different qualities shall be at the discretion of the Agency. The depths and specifications of the unperforated casing(s) and seal(s) needed to prevent the entrance of poor-quality water or its migration into other aquifers must be approved by the Agency.

6.2.3 Backflow Prevention: All supply wells not discharging to the atmosphere shall be equipped with an automatic backflow prevention device approved by the Agency to protect the well from return flow contamination. Agricultural well irrigation systems, including those used for golf courses which employ chemical feeders or injection systems shall also be equipped with a backflow prevention device approved by the Agency. In the event a well is used on a property served by a public water system, there shall be installed between the dwelling unit or structure being served water and the meter box or distribution system a backflow prevention device approved by of the agency having jurisdiction over the public water system.

6.3 Backfilling Boreholes

Backfilling work on exploratory borings, as defined herein, shall be subject to requirements equivalent to those for the destruction of abandoned monitoring wells.

6.4 Sampling Access

All water wells shall be maintained in such a manner that groundwater quality samples and depth-to-water measurements can be readily collected.

6.5 Abandoned Wells

Any person owning property upon which an abandoned well is located shall obtain a permit to destroy the well and shall destroy it or cause it to be destroyed within ninety (90) days of its discovery, or shall temporarily "inactivate" the well by filing an Intent of Future Use document with the Agency and maintaining it in accordance with the rules and regulations for "inactive and standby wells". As a condition of a well construction or reconstruction permit, any abandoned wells on the same property shall be destroyed in accordance with standards provided in this Ordinance.

6.6 Destruction of Wells

The General Manager is authorized, after reasonable efforts, to eliminate pollution, nuisance, contamination hazard or safety hazard, or to enforce the permanent abandonment by destruction of any well that is polluted, a nuisance, or is so located as to become polluted or contaminated or is a contamination hazard or a safety hazard. The General Manager is authorized to destroy any such well and to recover the cost of the destruction from the owner of the property on which the well is located.

6.7 Inactive or Standby Wells

If the owner intends to cease use of a well for a period of twelve (12) months or more, he/she shall inform the Agency. Such a well shall be protected from any source of contamination while the well is temporarily out of service. The owner shall maintain such a well as required in the rules and regulations adopted pursuant to this Ordinance pertaining to "inactive and standby wells." If planned or actual inactivation exceeds five years, then more permanent action, such as destruction, shall be mandated. If Agency determines that an "inactive or stand-by well" has not been maintained pursuant to the rules and regulations, then the well will be considered "abandoned" and subject to the requirements for "abandoned wells" including its proper destruction.

6.8 Well Status Determinations

The final determination as to the status of a well will be made by the Agency

SECTION 7 - VIOLATIONS

7.1 Citation, Infraction or Misdemeanor

Any person who violates any of the provisions of this Well Ordinance, or fails to satisfy the terms of a Well Permit issued hereunder, is subject to being issued an administrative citation or charged with committing an infraction or a misdemeanor; whereupon conviction of the latter is punishable by such penalties as the Board shall from time to time set by ordinance.

7.2 Civil Enforcement

Any violation or threatened violation of this Ordinance may also be redressed by civil action. In addition to being subject to prosecution, any person who violates any of the provisions of this Well Ordinance may be made the subject of a civil action. Appropriate civil action includes, but is not limited to, injunctive relief and cost recovery.

7.3 Public Nuisance Finding

Notwithstanding any other action or penalty provided by law, any violation of this Ordinance shall be deemed a public nuisance, and the General Manager may commence action or proceedings for the abatement, removal and/or enjoinment thereof in any manner provided by law.

7.4 Remedies Cumulative

The remedies available to the Board to enforce this Well Ordinance are in addition to any other remedies available under ordinance or statute, and do not replace or supplant any other remedy but are cumulative thereto.

SECTION 8 - ENFORCEMENT

8.1 Right of Entry and Inspection

Representatives of the Agency shall have the right to enter upon any property at reasonable times to investigate any condition which appears to indicate the existence of a public nuisance as defined in this Ordinance. The representative shall, upon first presenting his/her credentials and identifying himself/herself as an employee of the Agency, be permitted to examine the property, take such samples, make such tests, and take such other steps reasonably necessary for the proper investigation of the suspected nuisance. If the property is unoccupied, a reasonable effort will be made to locate the owner or other person having charge or control of same. If entry is refused, recourse will be had to such remedies as are provided by law to secure entry.

8.2 Order of Nuisance Abatement

In the event a well subject to this Ordinance is found to be a public nuisance or constructed, repaired, reconstructed or destroyed contrary to the terms of this Ordinance or a permit issued for such well pursuant to this Ordinance, the General Manager may order the abatement of said well as a nuisance in accordance with the provisions of this Ordinance or pursuant to the provisions of the Water Code of the State of California. Similarly, if a well has been constructed without a Well Permit, the General Manager may order the abatement of said well as a nuisance in accordance with the provisions of this Well Ordinance or pursuant to the provisions of the Water Code of the State of California. In either case, the General Manager will send written notice to the owner of the land as shown on the most recent equalized assessment roll or to the permittee, at his/her address listed on the permit, which notice shall state the manner in which the well is in violation, what corrective measures must be taken, and the time within which such correction must be made.

8.3 Recording Notice of Violation

If the corrections listed in the notice given pursuant to Section 8.2 are not made as required in said notice, the General Manager with the approval of the Board of Directors, and after a reasonable opportunity for the person notified to be heard by said board, may record a Notice of Violation with the Office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their respective addresses are available.

8.4 Removal of Notice of Violation

If a Notice of Violation was recorded with the County Recorder, the Agency shall submit a Removal of Notice of Violation to the County Recorder when:

a) It is determined by the Agency, after review, that no violation of this Well Ordinance exists; <u>or</u>
b) All required and corrective work has been completed and approved by the Agency.

8.5 Abatement by Agency

If the corrections listed in the notice given pursuant to Section 8.2 are not made as required in said notice, the General Manager with the approval of the Board of Directors, and after a reasonable opportunity for the person notified to be heard by said board, may abate the condition and the cost thereof shall be charged against the permittee's deposit or bond, the person notified, or assessed against the subject property upon which the well is located as a lien pursuant to California Government Code Section 25845.

8.6 Emergency Abatement

If the General Manager finds that the condition or operation of a well subject to this chapter is, by its operation or maintenance, causing significant irreparable degradation to the groundwater, and that it is impracticable to notify the owner or permittee, the General Manager may abate the condition without giving notice as required in Section 8.2, and the cost thereof shall be charged against the permittee's deposit or bond, the owner of the land as shown on the last equalized assessment roll, or assessed against the subject property upon which the well is located as a lien pursuant to California Government Code Section 25845.

SECTION 9 - APPEALS

Any person aggrieved by the refusal to issue a permit, by the terms of a permit, revocation or suspension of a permit, denial of request for variance or by any Agency decision made under this Ordinance, shall have the right of review and appeal.

9.1 Appeals to General Manager

The aggrieved person may, upon written request, have the matter reviewed by the General Manager. The written request shall be made within ten (10) days after the denial, revocation, suspension, or agency decision. Upon receipt of such a written request, the General Manager shall schedule the same for review within thirty (30) calendar days and give applicant at least fourteen (14) calendar days' written notice of the time and place of said review unless applicant agrees to a lesser time.

9.2 Appeals to Board of Directors

If the applicant is not satisfied with the results of the review by the General Manager, an appeal may be presented to the Zone 7 Board of Directors. The appeal to the Board shall be in writing and made within ten (10) calendar days after the General Manager's review is completed. It shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee if and as established by the Board. The Agency Secretary shall set the appeal for hearing within fifteen (15) days following the filing of the appeal, and shall notify the appellant, in writing, of the time so set at least five (5) days prior to the hearing. After the hearing, the Board may affirm, reverse in whole or in part, or may modify the order or determination appealed from. The action of the Board shall be final and conclusive.

SECTION 10 - SEVERABILITY

If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; and the Board declares that this Ordinance and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause, or phrase be declared invalid or unconstitutional.

DRAFT 11/24/14

Tri-Valley Water Roundtable
Held November 17, 2014
Discussion Notes

On Monday, November 17, 2014, the Tri-Valley Water Policy Roundtable met from 5 – 7:00 pm at Zone 7 Water Agency's Office at 100 North Canyons Drive in Livermore.

Agencies represented included the Cities of Livermore, Pleasanton, San Ramon and Dublin; Zone 7 Water Agency; Dublin San Ramon Services District (DSRSD); and the California Water Service Company. Pat O'Keeffe and Brittany Gabel of Management Partners served as the facilitator and recorder, respectively. The following is a write up of the discussion ideas that were captured on flip charts.

Three objectives were established for the session, as follows:

- Discuss results of the first workshop held on September 27, 2014 and review the list of priority policy areas generated from that discussion.
- Rank all issues and identify top two policy issues for further in-depth discussion at future sessions with staff research and analysis.
- Agreement on standing meetings for on-going discussion of issues.

Participants

Elected/Designated Representatives

- Mayor John Marchand, Livermore
- Council Member-elect Stephen Spedowfski , Livermore
- Council Member Karla Brown, Pleasanton
- Council Member Harry Sachs, San Ramon
- President Georgean Vonheeder-Leopold, DSRSD
- Director Richard Halket, DSRSD
- Vice President Sarah Palmer, Zone 7
- Director Bill Stevens, Zone 7
- Director Dick Quigley, Zone 7
- Frank Vallejo, General Manager Cal Water-Livermore

Staff
- Daniel Smith, Operations Services Director, Pleasanton
- Bert Michalczyk, General Manager, DSRSD
- Dan Gallagher, Operations Manager, DSRSD
- Brian Bornstein, City Engineer, San Ramon
- Roger Bradley, Assistant to the City Manager, Dublin
- Dan McIntyre, Public Works Director, Livermore
- Darren Greenwood, Assistant Public Works Director (Operations Manager), Livermore
- Jill Duerig, General Manager, Zone 7

Large Group Discussion of List of Priority Issues

In order to debrief the group on the progress made during the previous water policy roundtable held on September 27, 2014, the facilitator Pat O'Keeffe reviewed the list of nine policy issues generated during that discussion (see Attachment A).

In order to prepare a more consolidated list of policy issues for the discussion on November 17, 2014, staff of the represented agencies refined the list of policy issues into six major issue areas:

A. Improved reliability through diversification of supply, storage, and facilities

Possible examples:
- Interties with adjacent agencies
- Partnerships for regional storage projects such as Los Vaqueros
- Expanded use of Lake Del Valle
- Early acquisition of Chain of Lake(s) for surface storage
- Investment in regional desalination projects
- Long and short term water transfer agreements with other agencies

B. Increased use of recycled water

Possible examples:
- Minimize export of wastewater from the Valley
- Seasonal storage of water normally exported through LAVWMA for use in the summer
- Extension of irrigation-based recycled water systems to the maximum extent feasible
- Appropriate indirect potable re-use of reverse osmosis treated water (groundwater injection or other methods, etc.)

C. Increased "structural" conservation

Possible examples:
- Gray water systems for new construction where appropriate
- Rebates for conversions to gray water systems for existing users
- Rebates for installation of rainwater capture systems

D. Planned growth to proceed when reliability criteria are being met

Possible examples:

- Standardized and consistent conclusions regarding water reliability
- Standardized and consistent water supply mitigation measures for environmental review documents

E. Coordinated legislative and regulatory outreach and lobbying to enhance Valley water

Possible examples:

- Coordinated support for agency grant applications for water reliability projects
- Influence Department of Water Resources to improve water reliability
- Work cooperatively with the State for relaxation of affordable housing mandates that affect water supply and reliability

F. Governance changes that lead to or are needed for implementation of the above policy points

To begin group discussions, facilitator Pat O'Keeffe asked participants to share their feedback on these six major policy areas. Comments included:

- For issue area A, the issue statement should more explicitly say that improving reliability is important during non-drought as well as drought periods.
- For issue area C, examples should address the crumbling infrastructure more clearly.
- For issue area D, the term "reliability criteria" should be more prominent.
- For issue area E, "affordable housing" should not be called out in the example, because lower-income housing developments typically have less landscaping and have lower impacts on water demand.
- Not represented in this list of issues: the importance of minimizing large projects with extensive landscaping or a moratorium on all new connections.
- Not represented in this list of issues: Water reliability is important for wet and dry periods. After all, 80% of water is imported and we may not have a place to put it.

Participants were invited to further discuss the issues in small groups and were also asked to rank each of the six items in order of importance. The results of each group's ranking is documented in Table 1, with "1" being the most important priority for the roundtable to discuss and "6" being the least important priority.

Table 1. Workshop Participant Rankings of Major Policy Issue Areas

Major Policy Issue Area	Group 1 Ranking	Group 2 Ranking	Group 3 Ranking	Average Ranking
A. Improved reliability through diversification of supply, storage, and facilities	1	2	1	**1.3**
B. Increased use of recycled water	2	1	2	**1.6**
C. Increased "structural" conservation	5	4	4	**4.3**
D. Planned growth to proceed when reliability criteria are being met	3	5	5	**4.3**
E. Coordinated legislative and regulatory outreach and lobbying to enhance Valley water	6	3	6	**5.0**
F. Governance changes that lead to or are needed for implementation of the above policy points	4	6	3	**4.3**

Based on these group rankings, the two highest priority issue areas to discuss first are:

1. ***Issue area A***. Improved reliability through diversification of supply, storage and facilities.
2. ***Issue area B***. Increased use of recycled water.

During the large group discussion on priorities among these six issue areas, each group mentioned that areas A and B were assuredly the top priorities on the list. Some specific comments provided by each group are listed below.

Group 1 Comments

- An important part of issue area A is to establish a shared definition for what water reliability means.
- Issue areas C through F were less important priorities than A and B.
- Issue area F may be needed for implementation.

Group 2 Comments

- It was very easy to pick issue areas A and B as the top priorities; there was a large gap between these and the others.
- Issue area B was selected as their top priority because they have more local control over recycled water, and it seems like a good time to focus on this item in light of the bond money that will be available.
- Issue area E is high on the priority list because it does not require project design or complicated steps such as an environmental impact report (EIR).
- Issue area C is characterized by local control and many opportunities, such as policies to enforce "net neutral" on water for new developments.
- Issue area D was less urgent than the others.
- Issue area F was last, because until we figure out the other items, the governance question cannot be answered.

Group 3 Comments

- Issue areas A and B were easily the top priorities.
- Revise issue area A to say: "Improved reliability through diversification and improvement of supply, storage and facilities."
- Revise issue area F to incorporate collaboration models beyond a joint powers authority (JPA), which may include project-focused collaboration, coordinated legislative advocacy, as well as organizational models such as the Livermore-Amador Valley Water Management Agency (LAVWMA) or the Tri-Valley Transportation Council (TVTC). The idea is to "speak with one voice and one check book."
- Revise the example under issue area E to strike out "affordable housing."

Group Consensus on Subsequent Meetings

As a result of workshop discussions, the group agreed to continue meeting every two months for at least two additional meetings.

Participants also agreed that for the next meeting (tentatively planned for late January) the roundtable participants would focus on the topic of improving reliability. Staff from each represented agency will collaborate to prepare high-level background information on different policy alternatives that will improve water reliability for the region. Staff reports will focus on the feasibility of each policy alternative, but are not expected to present specific details regarding costs.

Bike Rack

The group reviewed items placed on the bike rack during the last roundtable meeting on September 17, 2014 and decided that:

- Cloud seeding could be pulled from the future topics list for lack of interest.
- Prop 1 Bond Measure and the 3 groundwater bills could be pulled from the future topics list because they have already been decided.
- Delta tunnels and the group's stance on it will be discussed in the water reliability discussion.
- Long-term consideration of contaminants in groundwater basin will be considered when the group discusses recycled water.

Public Comment

Three members of the public provided comments, as follows:

- Armstrong Garden Center can be a great partner; they educate customers on how they can have great gardens with limited water use; they provide tips, including water techniques for low water plants.
- Armstrong Garden Center would like City and agency websites that detail water restrictions to match a little better so there is more clarity. They would like to see Cities and agencies recognize that even drought-tolerant plants need irrigation at the beginning.

- Another member of the public commented that recycled water (from waste water) may contaminate groundwater; we do not want to see recycled wastewater from the sewers.

Wrap Up Discussion

To conclude the roundtable discussions, facilitator Pat O'Keeffe asked participants to identify what they liked about the meeting. Comments included:

- Small groups discussion
- Good exchange of thoughts and ideas
- Ranked priorities, leaving a more manageable list to discuss
- Mixed up the groups allowing increased interaction

ATTACHMENT A

LIST OF TOP PRIORITY POLICY ISSUES

From September 27, 2014 Policy Roundtable #1

1. Increase sources of water supply (the diversity of supply, storage and intertie facilities with other agencies).

2. More extensive recycled water use (great deal of water still being exported via LAVWMA).

3. More aggressive conservation (water use reduction; the public is a great ally; regional options and solutions; example – water efficiency built into building code or home upgrade incentives common throughout the region).

4. Improve local storage (accelerate acquisition of Chain of Lakes, Lake Del Valle use and expansion, removal of sediment, etc.).

5. Groundwater recharge (injection with recycled water; the political issues of "toilet to tap," desalination, etc.).

6. Influence the California State Department of Water Resources (DWR) to provide the Tri-Valley with the water it needs; ensure the DWR meets their obligations; obtain funding; lobby State legislature and staff.

7. Aggressively coordinate legislative changes on a region-wide basis (example – the existing disconnect between water scarcity and economic development and growth policy; should there be a connection?).

8. Balancing reliability and planned growth.

9. Serious consideration of governance changes (e.g., a more coordinated approach or a JPA).

SUMMARY NOTES OF THE FINANCE COMMITTEE
ZONE 7 BOARD OF DIRECTORS

January 8, 2015
4:00 p.m.

Directors present:	Sandy Figuers Angela Ramirez Holmes Sarah Palmer
Staff present:	Jill Duerig, General Manager Hossein Golestan, Consultant Tamara Baptista, Finance Manager Judy Rector, Board Secretary

Director Figuers called the meeting to order at 4:00 p.m.

1. Public Comment - None

2. Preliminary Discussion on Approach to FY 2015/16 Budget

General Manager Jill Duerig introduced Hossein Golestan, a consultant who has been working part-time with Assistant General Manager, Administration, Tom Hughes as his number two.

Mr. Golestan explained that the purpose of this agenda item was to provide information regarding the budget schedule, budget issues and assumptions that will be taken into account while preparing the 2015/16 operating budget. The Finance Committee and staff propose coming back to the Committee in May with the proposed budget. The budget will then go before the Board on May 20th and finally to the Board of Supervisors in late June which is consistent with the process followed in past years.

Director Figuers asked about the budget preparation timeline and process. Mr. Golestan said the budget preparation begins in December and takes a significant amount of staff effort and time for results by June. Ms. Duerig added that the budget starts with a pile of wish lists and goes through several management levels but she may not see it until a week before the Finance Committee sees it. Because the process takes a long time, that is why a two-year budget cycle is an idea to consider because a two-year budget would take less staff time every other year. Director Figuers said he thought the Board had voted to do the budget on a two-year cycle and Ms. Duerig agreed but said that was at the time Zone 7 was discussing independence from Alameda County along with shifting from a fiscal year from July 1 to June 30 to a calendar year as the fiscal year so it would line up with the water rate effort. The board approved both but staff has been unable to implement that approach.

Discussion continued regarding a two-year budget and Director Figuers asked if we could use a two-year budget internally as long as each year the County gets numbers, and couldn't the County get an amended version each year? Also, would that save staff time and what would it take to implement a two-year budget? Director Ramirez Holmes suggested matching the budget with the two-year water rates.

Ms. Duerig agreed that staff could look at that idea as it might save staff time. Director Palmer noted that saving time and staff effort and providing retailers the heads up they have wanted would be desirable. Ms. Duerig said it could not be done for this year as we are already two months into the process and the conversion will require extra set-up time. Director Figuers asked when Zone 7 could start a two-year budget and was told probably for the following cycle if started in September or October but it would be for 16/17 and 17/18. Ms. Duerig stressed that she is currently missing two crucial staff members for the budget process but staff might be able to do the ramp up for the next cycle.

Mr. Golestan continued his presentation talking about some of the issues that will drive the 2015/2016 Operating Budget. There is good news with an improving local economy and other factors but nothing that solves any significant problems at this time. The drought continues to be a concern and this year had the biggest impact on the Agency's finances by causing additional expenses and significant revenue losses which caused a projected draw on the reserves of over $11 million in 2014/15. The proposed assumption is that 2015 is a post-drought year and that 2016 will be close to normal for consumption. Ms. Duerig said estimates are about 14% lower than normal for a post-drought year.

Mr. Golestan noted several points that factor into budget assumptions including water rates, purchased water costs, personnel costs, additional State debt service charges, CIP costs and revenue from development impact fees. Zone 7 may get a $3 million grant from the State but currently it is unknown if and when it will come. Money from the State has restrictions so there is not a lot of flexibility in how it is used and all of it will go into Fund 120 to make up for the underfunding in this year's budget.

<u>Public Comments</u>:

Alfred Exner, Pleasanton resident, would like to see more Finance meetings to avoid the time squeeze resulting in little room for public comment or analysis. He suggested that staff and the Committee members look at the prior year when putting budget spreadsheets together and compare to see major deviations and get explanations such as why did training and travel go up in a tough year. He encouraged taking a hard look with a line-by-line analysis at the previous year against the proposed year. Director Ramirez Holmes said she would like to see two Finance Committee meetings before the budget goes to the Board so there is time for questions and answers and not feel the squeeze of the budget timeline.

John Archer from Dublin San Ramon Services District (DSRSD) said that DSRSD is on a two-year budget cycle and agreed that the second year degrades a little when you start out but once you get into a cycle, a two-year budget will save a lot of time and hassle in between. He cautioned not to expect it to be clean the first couple of times and DSRSD made substantial second year adjustments the first couple of times. He said he likes the two-year budget for long-term planning. He said it takes two or three cycles to feel comfortable and preparation will become easier. The biggest challenges are payroll projections and water cost assumptions.

Margaret Tracy told the Finance Committee about her concerns regarding contamination in groundwater and when will there be a cleanup in central Livermore such as dry cleaning places.

Director Ramirez Holmes proposed two Finance Committee meetings before the budget goes to the Board to allow the Directors time to ask questions and make changes without being in a rush. She suggested two consecutive meetings in May with time in between for staff to answer questions. The directors then discussed possible meeting dates prior to the May 20th board meeting when it is adopted. Their primary concerns are variances over cost increases.

Because one of the first questions asked by the Committee is what do the retailers say about the budget, staff now go to the retailers first and then they have time to prepare their comments for the Committee meeting. Director Figuers asked what the retailers are concerned about when they look at the budget from their standpoint. Are they more concerned about fees or increases in water rates?

John Archer said that now that there is a two-year rate plan in place for Zone 7, it takes a lot of the pressure off them for budget review. What he gets are signals for the future and what is coming down the road. Are there major changes that could impact them in two or three years because they may be developing their own rate schedule?

Director Palmer said she would like to see the budget around the same time the retailers are seeing it as a first iteration, not a final document. She wants to see the process and a working type of relationship with the budget. Ms. Duerig said staff tries to meet with the retailers within a week of coming to the Committee so if there are two meetings with the Committee, there will be two meetings with the retailers. Director Figuers asked if the Committee could attend the retailers meeting but Ms. Duerig said it is more like a technical workshop for finance staff.

Ms. Duerig said the third week in May is always the board meeting and staff are scrambling to prepare for the full board meeting. She suggested that the first meetings could be done in the fourth week of April, the second meetings the first part of May, with the full board meeting on the 20th. Staff needs time in between to incorporate changes and write and print staff reports which is why their proposal was to meet with the Finance Committee the first week in May and go to the Board the third week.

3. Discussion of Committee Meeting Schedule

The discussion on the scheduling of meetings continued and Ms. Duerig pointed out that a new last page had been added to the staff report which was an updated table that showed the primary topic of each meeting. This was in response to a request regarding what kind of topics have been at past meetings. Director Ramirez Holmes said they also wanted to set a regular date and time to avoid having to check for Committee members' availability for meetings. If the directors saw the work plan plus any additional topics that the Finance Committee wanted to address, then dates could be set and be on everyone's calendar. Other topics would be a financial policies process, a discussion on reserve policies and the history behind them, setting more of an audit process and timeline for meeting with the auditors early in the process, and the operating budget and other financial policies that the Committee wants to review. If April, May, September and December are the critical meetings for budget, water rates and audit, then they can fill in other things such as the policies at other meetings.

Director Ramirez Holmes discussed writing policies that comply with the standards of audits and she feels that things the Finance Committee have requested are not time or labor intensive and the Finance Committee can have discussions around some of these topics without requiring a lot of work. She also feels there should be a work plan of what the Committee hopes to accomplish so they can implement board direction on financial policies that she feels cannot be delayed because they impact budget decisions.

Director Palmer feels that having regularly scheduled meetings does not mean that it is a staff-directed meeting that requires preparation on staff's part, but more of a public forum work session of the peers on the board to educate themselves and try to understand the subjects better. Ms. Duerig said part of the learning is finding a common language between board and staff. She is not opposed to additional meetings or coming up with policies but she is asking for the Committees' understanding during a period that she is extremely short staffed and people are being reassigned to cover but it is a difficult time to implement new ideas.

Director Figuers said the Finance Committee would like to go to two meetings on the budget, one in April, one in May. Water connection fees are one to two meetings per year in late August or early September, separated by Labor Day. The audit is one meeting before or after Thanksgiving. Then there is a miscellaneous meeting at some time resulting in five or six meetings per year. Dates need to be chosen so everyone knows the schedule for Finance Committee meetings:

- April 23 and May 7 - budget
- July 9 - TBA
- September 10 - water rate or, if not needed, miscellaneous subject or learning session
- November 19 - audit

4. Discussion of Monthly Budget Report Format (including end-of-year in July); Other Possible Staff Reporting (e.g., Reserve Levels) Given Limited Resources

Mr. Golestan referred to the July 16, 2014 Monthly Budget Report and noted that the problem is that it shows year-to-date figures and not the final fiscal year numbers. One of the options is to have the final fiscal year numbers in a later report by mid-September to provide a full picture of the fiscal year.

Director Ramirez Holmes said the Committee was looking for the unaudited actuals for the fiscal year ending 2014. Ms. Duerig asked if the Monthly Budget Report is the kind of format the Committee would like to see because it has budget and actuals and percent deviations and can easily be generated in September when staff has unaudited end-of-year actuals. Director Ramirez Holmes said she had asked for the end of year actuals in the format on Page 19 of the audit with revenue, expenditures and reserves. Ms. Duerig said this report is by fund, shows what the budget was for revenues and expenses with actuals and a percent deviation and would it satisfy the spirit of what was requested?

Director Ramirez Holmes said they wanted the report for Fund 100 that looked like Page 19 and provided in a PowerPoint in 2013 in addition to the audit requirements. The Committee also talked about a quarterly summary of the same information. They wanted audited actuals of all of the funds, not unaudited actuals. Director Ramirez Holmes requested the last column, variances and dollar amounts, not just percentages. Director Ramirez Holmes requested any information in any format. Ms. Duerig said if the format is acceptable and that extra column can be generated, then it would be included as a staff report in the budget package that goes out January 16th. Director Ramirez Holmes said she is also looking for trend and tracking data on budgets and why the budget varies from year to year and deficiencies of revenues over expenditures.

Director Ramirez Holmes noted that Director Figuers wanted to talk about reserve policies and she wanted to discuss a work plan so they want to start to look at those policies. She asked if the Committee would want to set up a meeting to discuss what type of policies they want and a goal for achieving them in 2015. Director Figuers said the reserve policy is not urgent because it is going to be a long-term item and does not require staff input because it is a Board decision. The other topic is what is the meaning of a minimum dollar amount in a reserve. Director Figuers will write up some concept theories and talking points on policies and send to Ms. Duerig. She can distribute the information appropriately to all of them so they can think about it and discuss it at one of the upcoming meetings. Director Ramirez Holmes will ask about policies on different financial subjects and get information.

Verbal Reports – None.

5. Adjournment

Since there were no further issues or comments, the meeting was adjourned at 5:40 p.m.

Water Resources Committee

Summary Notes

Meeting Date:	January 13, 2015	**Start Time:**	4:00 p.m.
Directors Present:	John Greci Bill Stevens Sarah Palmer	**Staff Present:**	J. Duerig, K. Arends, M. Katen

Director Greci called the meeting to order at 4:00 p.m.

1. Public Comment on Items Not on the Agenda

None.

2. Status Update on Draft Well Ordinance and Proposed Permit Fees

Kurt Arends introduced the agenda stating that staff would cover changes being proposed in response to comments that have been received and staff would then provide an update to the Committee on its communications with Alameda County staff. Matt Katen then reviewed changes that staff is recommending to the previously proposed well destruction permit fees. At the October 15, 2014 Board Meeting, concerns were expressed that the amount of the well destruction permit fees could discourage people from getting a permit and properly destroying wells. Mr. Katen provided a chart showing a $200 reduction to the proposed permit fee for a water supply well destruction (from $700 per well to $500 per well) and a $100 reduction for the initial monitoring well destruction on a permit application (from $600 to $500). All the other permit fees were kept at the same level as previously proposed at the October Board Meeting.

President Greci commented on how important it was to encourage well owners to destroy wells properly. Director Stevens agreed and said he was in favor of the proposed fees, but asked if the recently-enacted Groundwater Sustainability Act would have any bearing on additional wells being destroyed. Staff indicated that the Act would not have a direct impact on the number of wells requiring destruction. Director Palmer asked about the impact of the fee reduction on the projected revenue from drilling permits. Staff showed data that suggested the impact would be minor, less than $3,000 per year.

Mr. Arends then proceeded to review Zone 7’s communications with Alameda County since the October Board meeting regarding the County’s preferences on how they would like Zone 7 to proceed with its Well Ordinance. He described that staff met with County Public Works staff in October and at that meeting they wanted to use Zone 7’s draft Well Ordinance language to improve the County’s ordinance, but keep Zone 7 under its umbrella; and then later how they changed their approach and began pursuing a simple modification to the County Ordinance that would allow the County Ordinance to exclude the Zone 7 area once Zone 7 adopted its own ordinance. Mr. Arends explained that this was the approach up through last week. A Board of Supervisors agenda item had been submitted and reviewed by County Counsel. Staff was then informed that the item would need to be vetted through the County Transportation and Planning Committee before going to the Board of Supervisors. Staff then learned that the County wanted to go back to their original preference of Zone 7 holding off on its Well Ordinance and the County adopting a revision to its own ordinance that would continue to cover the entire County including Zone 7.

Mr. Arends said that staff was looking for direction from the Committee on how to proceed with this matter. Director Palmer asked whether Zone 7 would be able to adopt and implement its own fee schedule if still under the County's umbrella. Mr. Arends responded that staff still need to develop the details of the new County Ordinance but Zone 7 has expressed the need to be able to establish its own ordinance provisions and be able to implement its own special permit requirement areas and permit fees. The Committee asked if the Board had authority to adopt a well ordinance independent of the County. Staff said that Zone 7's General Counsel had previously advised the Board that that was the case, but that it required a "first reading" at a public meeting before it could be adopted at a subsequent meeting. There was some discussion among the Committee on whether the staff presentation at the October Board meeting constituted a "first reading" and whether the Ordinance should be on the agenda for adoption at the January Board meeting. The Committee unanimously agreed that the official "first reading" should be placed on the January 21st Board meeting agenda.

3. **Verbal Comments**

Mr. Arends told the Committee that staff was recommending holding off on the presentation and adoption of the final Nutrient Management Plan (NMP) until after the Well Ordinance was adopted to avoid confusion of the two separate matters.

He also mentioned that staff has developed a new septic tank requirement option for failed residential septic systems within the nitrate Areas of Concern in response to comments made by members of the public at two previous Water Resources Committee meetings. The previous comments were for consideration of the homeowners whose existing septic systems fail and they are required to add pre-treatment. The public commented that existing residents should not have to pay extra for a treatment system upgrade if their old system fails if they are not making any upgrades or additions to the property. Staff's new proposal is to allow the homeowner to replace a failed system with a conventional system if there is no associated capacity increase, but also encourage an upgrade to a treatment system. To further encourage these upgrades, staff is investigating the cost of providing a financial incentive such as a Zone 7 rebate program. Staff estimated that the number of failed systems in any budget year within the Areas of Concern boundaries would be very few.

Staff commented on another concern that a member of the public voiced at a previous Water Resources Committee meeting for the NMP's Areas of Concern. The concern was for some of the Areas of Concern boundaries being drawn based on inferred information rather than complete information. Staff's comment was that the Area of Concern provisions encourage further characterization of the hydrogeology and extent of the nitrate contamination, and allows for periodic adjustments of the boundaries based on new information.

The Committee was fine with staff's NMP schedule, and liked staff's approaches for both the incentive program and the NMP Areas of Concern issues.

4. **Adjournment**

Meeting was adjourned at approximately 4:30 p.m.

1/21/15 Board written/narrative comments by Dick Quigley

Dec 18 participated at Water Storage Policy Task Force meeting, and recommend staff stay closely connected. The meeting included:

- Review California Water Commission Draft Proposition 1 Regulations and Guidelines
- California Water Commission Draft Proposition 1 Regulations and Guidelines Discussion
- Presentation on "Integrating Storage in California's Changing Water System" Report by Jay Lund (UC Davis) and Maurice Hall (TNC)
- Draft Policy Paper Scoping Document Discussion
- Review Updated Planning Document/Next Steps

Thursday Jan 8 attended an ACWA Reg 5 Board meeting at Scotts Valley WD

Strategic annual plans were agreed upon, board vacancies, committee assignments, and spring & fall regional events planned for SCVWD and Carpinteria area respectively. Stay tuned as the event project teams unveil plans.

Wed Jan 14 attended an ACCSA meeting hosted by Castro Valley Sanitary District

Supervisor Nate Miley welcomed and spoke first about a County prescription initiative and new law regarding disposal and collection of prescription drugs. Frank Mellon, Board chair EBMUD praised the County. There were no handouts. Are we involved? Should we be? Gary Wolf, Ex Dir of StopWaste.org gave an overview of the stop waste history, mission, and programs, followed by Marty Koller Board Chair ACWD who gave a presentation on "The Water Bond and What Does it Mean to the Special Districts of Alameda County." I have a copy of the PowerPoint if anyone is interested. The ACCSDA annual dinner March 26th at the Pleasanton Marriott, and March 25 annual Legislative days in Sac were also announced.

Let me know if you have any questions or suggestions.

Thanks,
DQ

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: ADMINISTRATION
CONTACT: Jill Duerig

AGENDA DATE: January 21, 2015 **ITEM NO.** 12a

SUBJECT: GENERAL MANAGER'S REPORT

SUMMARY: The following highlights a few of the key activities which occurred during the last couple of months. Also attached is a list of the General Manager (GM) contract(s) executed during the months of November and December.

Environmental & External Affairs:

- Semitropic notified Zone 7 that they have been able to re-purpose some water in San Luis Reservoir to increase the recovered amount to banking partners. As a result, Zone 7 is expected to recover 10,500-acre feet from Semitropic in 2014. Staff continue to work with Semitropic to optimize recovery in 2015.

- The Zone 7 Water Quality laboratory received its annual renewal certificate from the California Environmental Laboratory Accreditation Program (ELAP); an on-site audit by staff from the Department of Public Health will be scheduled during the First Quarter of 2015.

Engineering and Flood Control:

- A large storm passed through the area on December 11th. It was the second largest amount of rain to be recorded in a 24-hour period at CIMIS Station 191 (in Pleasanton) in the last several years (3.25 inches were recorded on 12/11/14; 3.86 inches on 10/13/09). Staff were able to conduct sediment sampling during the event. The only major "overbanking" occurred in the reach of Arroyo las Positas near Beeb's Restaurant, a flood plain identified in the SMMP.

- The various December storms resulted in several bank slides, some bank erosion, toe erosion and other damage to Zone 7's flood protection facilities. Downed trees, fence damage and debris caught in the various lines have provided a lot of work for Zone 7 staff and contractors.

Administration:

- DWR's State Water Project Analysis Office (SWPAO) continues to work with the State Contractors on how to resolve the significant underbilling issues this year, at least partially caused by salary adjustments that were not included in DWR's budget estimates. Current estimates are that Zone 7 will owe over $3 million as a result of the underbilling.

- The California State Treasurer's Office released "The Bay Delta Conveyance Facility: Affordability and Financing Considerations," a study of affordability for the water facility construction proposed in the Public Review Draft Bay Delta Conservation Plan (BDCP). This independent study, requested by the California Natural Resources Agency, was commissioned by the California Debt and Investment Advisory Commission (CDIAC), chaired by State Treasurer Bill Lockyer. The study finds that the cost of the Delta conveyance facility is within the range of urban and agricultural users' capacity to pay however additional costs to Zone 7 could be between $300 and $460 per acre foot in "year of expenditure" dollars.

- This summer, 110 lawn conversions were completed through Phase 1 (turf removal); as of December 1st, they were given the go-ahead to proceed with Phase 2 (new plants).

- The Climate Registry notified Zone 7 that our 2013 Greenhouse Gas (GHG) Report has been approved and will be recognized in the next Climate Registry newsletter.

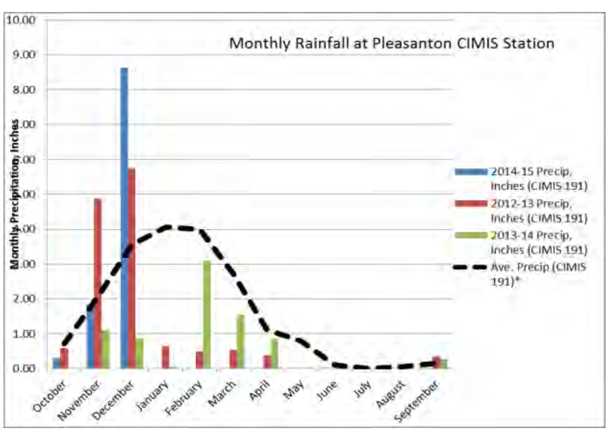
- The County's Combined Charities campaign closed with Zone 7 employees contributing a total of $15,527. Three cheers to all the very generous donors!

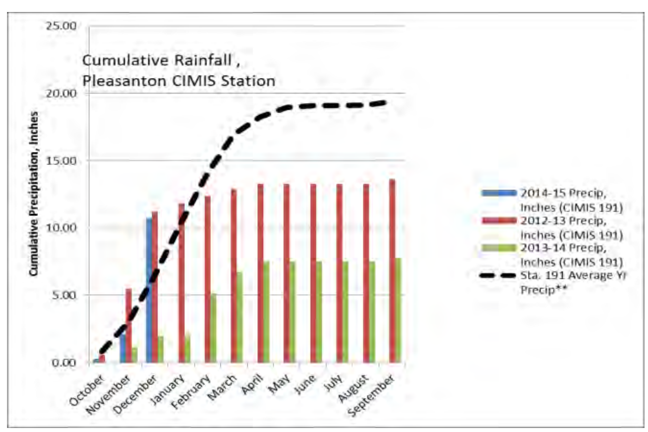
<u>Operations and Maintenance</u>:

- In mid-December, the Bureau of Reclamation and DWR voluntarily reduced pumping from the South Delta for about a week in an attempt to avoid establishing a turbidity "bridge" across the Delta. In 2012, it is believed that a similar condition allowed Delta smelt to move into the south Delta; their presence resulted in months of pumping restrictions. The hope is that by disrupting the opportunity, pumping later will be less constrained.

- Winter maintenance has begun at the water treatment plants. Del Valle drying beds #6 and #7 have been cleaned and refurbished by adding rocks (approximately 75 loads were used) and rolling them out to create a smooth base. At Patterson Pass, drying bed #1 will be emptied next while beds #5 and #6 will be turned to enhance drying.

- As expected, the total precipitation in December was well above average (locally, CIMIS Station 191 recorded 8.63 inches compared to an average at that station of 3.56 for that month).





Monthly List of GM Contracts

November/December 2014

<u>Contracts:</u>

Advantel	$ 5,000	Avaya Telephone Maintenance Services
Blaine Tech	19,000	Groundwater Sampling
Colliers International	10,000	Brokerage & Commercial Real Estate Consulting Services
IEDA	34,000	Labor Relations Services
Liebert Cassidy Whitmore	13,500	Harassment Prevention Training
Proforma Construction, Inc.	5,000	Brokerage & Consulting Services/ Commercial Construction Estimates
Management Partners	50,000	Management Consulting Assistance for Administrative Staff
REPS	23,600	Equipment Lease Agreement for Carbon Dioxide Injection System
Total November/December 2014	**$160,100**	

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING DIVISION: ADMINISTRATIVE SERVICES
CONTACT PERSON: TAMARA BAPTISTA

AGENDA DATE: January 21, 2015 ITEM NO. **12b**

SUBJECT: **Monthly Budget Report**

SUMMARY:

This report provides a summary of FY 14/15 budget performance and explanations of any major variances for the period July 1, 2014 through December 31, 2014.

The following provides explanations and additional details concerning this report:

The period of July 1, 2014 through December 31, 2014 is reported herein, which is approximately 50% of the fiscal year or six months. However, Zone 7's revenue and expense cycles do not follow this pattern. For example, the first installment of property tax revenue is not received until December and capital project expenses vary based on construction schedules. In addition, by December, we typically expect anywhere between 33-50% of the budget to have been used, representing only about five months (50%) of expenses rather than six. This is because services rendered/goods purchased in December would typically be billed and paid for in January. Other variations are due to the as-needed and seasonal nature of expenses.

The FY 14/15 Budget shown is the amended budget which includes any additional Board-approved appropriations, prior-year encumbrance carryovers and unspent capital project balances carried forward to this fiscal year.

The attached Fund Equity Changes Report details year-to-date changes in fund balance by fund type and category. Note the overall fund balance of the Proprietary Fund Category (Water Enterprise Funds), decreased by $7.1M. This is primarily due to the timing differences between the receipt of property tax/connection fee revenue and DWR payments for fixed costs, which are the bulk of Fund 110 and 130 expenses.

The information in the following tables summarizes, by fund, the attached Annual Budget by Account Classification Report:

Water Enterprise Fund – Fund 100 (formerly Fund 52):

Category	FY 14/15 Amended Budget	FY 14/15 YTD Actual	FY 14/15 % Used/Received
Revenue	$ 34,461,062	$ 13,000,249	38%
Expenses	$ 50,157,219	$ 18,523,745	37%

This fund provides financing for the acquisition and conveyance of raw water, treatment and delivery to the Zone 7 service area. The main source of revenue for this fund is water sales. FY 14/15 YTD revenue is primarily from the sale of 12,770 acre-feet of treated water through November 2014. The month of November 2014 treated water sales of $2M are 108% of the November 2013 amount of $1.9M. December water sales revenue is not reported because the meter reading data that generates the monthly water billing was not available at the time of this report. Other revenue is from grant proceeds and DWR refunds; both are greater than the budget estimates.

YTD expenses include the first and second quarter transfers to Fund 120, water production costs, maintenance, miscellaneous services/supplies and memberships and dues. While imported water purchases are low due to the low allocation and minimal access to transfers prior to Labor Day, utility and chemical costs are within the normal range because Zone 7 has pumped more groundwater this summer and used higher dosages of chemicals to deal with source water quality issues. Rental expenses are significantly less than budget because the planned use of portable generators for the wells during the drought hasn't occurred, to date. Organizational memberships are high, since the majority of them are due at the beginning of the fiscal year.

State Water Facilities Fund – Fund 110 (formerly Fund 51)**:**

Category	FY 14/15 Amended Budget	FY 14/15 YTD Actual	FY 14/15 % Used/Received
Revenue	$ 14,060,937	$ 6,881,868	49%
Expenses	$ 14,227,251	$ 8,279,072	58%

This is a pass-through fund for fixed charges associated with the State Water Project, assessed as a property tax override. YTD revenue is from DWR refunds and the first installment of property tax payments, which should represent about half of the projected revenue. YTD expenses reflect payments to DWR for fixed costs. DWR charges are both monthly and semi-annual – the Transportation Capital charges and the SBA Improvement and Enlargement debt service payment are paid in January/July and March/September, respectively, so expenses of about 58% of budget are anticipated.

Water Renewal/Replacement & System-Wide Improvements – Fund 120 (formerly Fund 72):

Category	FY 14/15 Amended Budget	FY 14/15 YTD Actual	FY 14/15 % Used/Received
Revenue	$ 13,129,324	$ 6,737,461	51%
Expenses	$ 11,751,032	$ 3,598,237	31%

This fund pays for capital projects addressing the replacement and improvement of the current water treatment and delivery system. The primary source of funding is a quarterly transfer from Fund 100 – Water Enterprise; the first and second quarter transfers have been posted. Other revenue is from the sale of plans and specifications, grant proceeds and Dougherty Valley Facility Use Fees. FY 14/15 YTD expenses reflect capital project expenses such as a portion of the Chain of Lakes Well 5 costs, Busch Valley Well #1 project, DVWTP Sludge Handling Improvements, DVWTP Superpulsator Rehabilitation, the DVWTP Caustic Soda System, Filter 1 Media Replacement projects at DVWTP, PPWTP Ferric Chloride & Caustic Improvement project, Nutrient Management Plan Update and this fund's share of the North Canyons Building Lease. Capital project expenses are tied to construction schedules. Projects related to the existing treatment facilities are typically done during the fall and winter when water demands are lower, and plant flows can be reduced or interrupted to facilitate construction.

Water Expansion – Fund 130 (formerly Fund 73):

Category	FY 14/15 Amended Budget	FY 14/15 YTD Actual	FY 14/15 % Used/Received
Revenue	$ 22,042,020	$ 9,043,910	41%
Expenses	$ 21,433,029	$ 12,384,677	58%

This fund is intended to provide funding for new facilities and supplies to meet the demands of new development, many of them fixed (i.e., bond payment obligations for debt incurred by others). The primary source of revenue is connection fees. YTD revenue is primarily comprised of connection fee revenue from 328 connections. Since July 1, 2014, a total of 139 connection fee credits have been used totaling $3.3M, while 310 credits remain outstanding, valued at $7.4M at the 2014 connection fee level (see Chart 1 attached). FY 14/15 YTD expenses reflect this fund's portion of capital project expenses such as Chain of Lakes Well 5 costs, Nutrient Management Plan Update, Busch Valley Well #1 project, Cope Lake Slope Repair and the SBA Improvement and Enlargement debt service payment ($9.8M). The SBA payment is made twice a year (March and September), with September always being the higher payment per the DWR debt service schedule.

Flood Protection Operations – Fund 200 (formerly Fund 50):

Category	FY 14/15 Amended Budget	FY 14/15 YTD Actual	FY 14/15 % Used/Received
Revenue	$ 6,505,936	$ 3,775,898	58%
Expenses	$ 14,279,561	$ 2,269,544	16%

This fund provides for general administration and the maintenance and improvement of the existing flood protection system. The primary source of revenue is property taxes. YTD revenue is from the first installment of property tax payments and other charges for services. Expenses include labor, a fraction of the North Canyons lease payment, flood protection maintenance activities and capital project expenses such as the Cope Lake Slope Repair Project, Arroyo Mocho – Stanley Reach R. 3.5, Arroyo Las Positas Reach 1-7 Improvement Project, Living Arroyos Program, Sediment Study – SFE 2010, Flood Control Hydrology Study, and the Stream Management Master Plan Update. Budgeted projects (i.e., Arroyo Las Positas Treatment

Wetland and Chabot Canal Regional Stormwater Detention projects) have yet to commence. Note that these projects are funded by both Fund 200 and Fund 210.

Flood Protection and Stormwater Drainage (DIF) – Fund 210 (formerly Fund 76):

Category	FY 14/15 Amended Budget	FY 14/15 YTD Actual	FY 14/15 % Used/Received
Revenue	$ 2,646,500	$ 1,060,447	40%
Expenses	$ 7,022,157	$ 283,133	4%

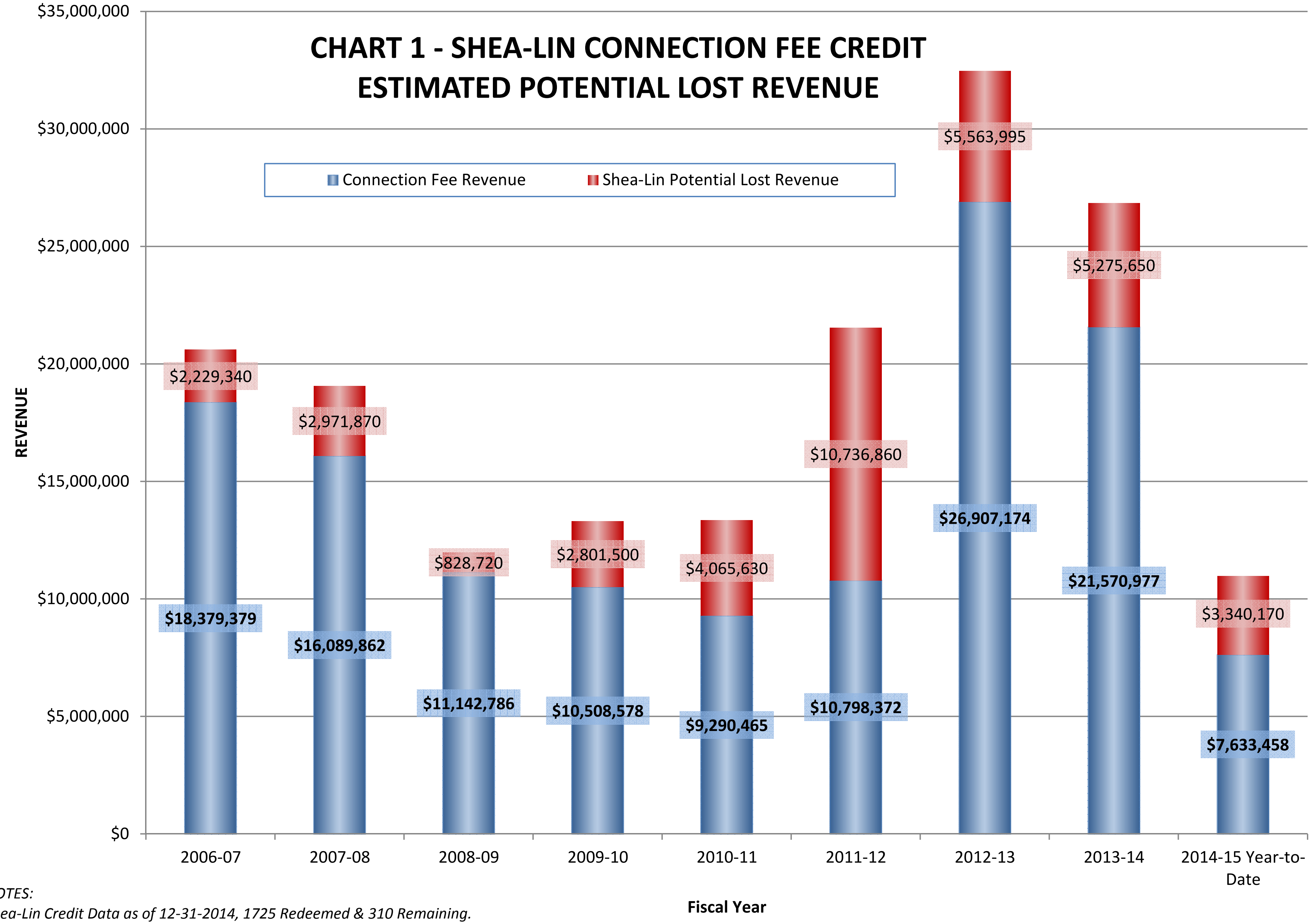
This fund pays for flood protection facilities required for new development. The primary source of revenue is development impact fees. Zone 7 tends to receive most development impact fee revenue in the spring/early summer. FY 14/15 YTD capital project expenses are for the Cope Lake Slope Repair, Arroyo Mocho – Stanley Reach R. 3.5, Living Arroyos Program, Sediment Study – SFE 2010, Flood Control Hydrology Study, SMMP Update and the Arroyo Las Positas Reach 1-7 Improvement Project. Budgeted projects that are split with Fund 200 (i.e., Arroyo Las Positas Treatment Wetland and Chabot Canal Regional Stormwater Detention projects) have yet to commence.

RECOMMENDED ACTION:

Information only.

ATTACHMENTS:

CHART 1 – Shea-Lin Connection Fee Credit Estimated Potential Lost Revenue
Zone 7 Water Agency Annual Budget by Account Classification Report
Zone 7 Water Agency Fund Equity Changes Report



NOTES:
Shea-Lin Credit Data as of 12-31-2014, 1725 Redeemed & 310 Remaining.
Revenue as of 09-30-2014 for Livermore, 11-30-2014 for DSRSD & Pleasanton
Initial Calendar Year 2000 Payment of $10,000,000 in for Credits is Not Reflected in This Graph

ZONE 7 WATER AGENCY

Annual Budget by Account Classification Report

Budget Summary for the period 7/1/2014 - 12/31/2014

	FY 14/15 Amended Budget	FY14/15 YTD Actual	% Used/Rec
FUND: 100 Water Enterprise Operations			
Revenue			
411 - Water Sales & Service	$34,246,611.00	$12,535,617.79	37%
441 - Charges for Services	$0.00	$1,450.00	-
452 - Aid from Governmental Agencies - State	$0.00	$112,733.22	-
461 - Investment Earnings	$75,000.00	$21,068.81	28%
462 - Rents and Royalties	$65,263.00	$16,577.93	25%
464 - Fines and Penalties	$0.00	$62.77	-
481 - Other Revenue	$74,188.00	$312,738.65	422%
499 - Transfers	$0.00	$0.00	-
Revenue Totals	$34,461,062.00	$13,000,249.17	38%
Expenditures			
511 - Personal Services - Salaries and Wages[1]	$13,859,924.00	$5,153,721.25	37%
512 - Personal Services - Overtime[1]	$215,074.00	$45,284.04	21%
513 - Personal Services - Benefits[1]	$7,120,240.00	$2,540,965.75	36%
600 - Labor & Overhead Distributed[2]	($7,961,534.00)	($1,667,670.24)	21%
611 - Purchased Services	$4,456,603.00	$1,082,041.51	24%
621 - Water	$9,014,831.00	$1,553,420.94	17%
631 - Chemicals	$2,250,973.00	$907,879.70	40%
641 - Utilities	$1,922,616.00	$862,564.78	45%
643 - Communications	$174,124.00	$62,026.81	36%
651 - Cleaning Services	$50,931.00	$21,939.76	43%
652 - Repairs and Maintenance	$2,833,012.00	$669,711.66	24%
653 - Rental Services	$792,900.00	$31,976.18	4%
661 - General Office Services/ Supplies	$610,897.00	$165,297.36	27%
662 - Organizational Membership/ Participation	$467,783.00	$335,439.12	72%
665 - Other Services/ Supplies	$396,228.00	$148,068.55	37%
667 - Training and Travel	$402,045.00	$46,990.86	12%
669 - Special Departmental Expense	$698,948.00	$117,958.68	17%
671 - Equipment, Furniture and Vehicles	$27,700.00	$0.00	0%
675 - Debt Service	$0.00	$0.00	-
691 - Transfers	$12,823,924.00	$6,446,128.67	50%
Expenditure Totals	$50,157,219.00	$18,523,745.38	37%
Revenue Less Expenses Fund 100 Total	($15,696,157.00)	($5,523,496.21)	
FUND: 110 State Water Facilities			
Revenue			
411 - Water Sales & Service	$1,311,950.00	$0.00	0%
421 - Property Taxes	$11,350,000.00	$6,100,068.35	54%
452 - Aid from Governmental Agencies - State	$45,000.00	$0.00	0%
453 - Aid from Governmental Agencies - Local	$610.00	$0.00	0%
461 - Investment Earnings	$15,000.00	$3,181.64	21%
464 - Fines and Penalties	$0.00	$0.00	-
481 - Other Revenue	$1,338,377.00	$778,617.60	58%
Revenue Totals	$14,060,937.00	$6,881,867.59	49%
Expenditures			
621 - Water	$14,227,251.00	$8,279,071.57	58%
669 - Special Departmental Expense	$0.00	$0.00	-
Expenditure Totals	$14,227,251.00	$8,279,071.57	58%
Revenue Less Expenses Fund 110 Total	($166,314.00)	($1,397,203.98)	

ZONE 7 WATER AGENCY

Annual Budget by Account Classification Report

Budget Summary for the period 7/1/2014 - 12/31/2014

	FY 14/15 Amended Budget	FY14/15 YTD Actual	% Used/Rec
FUND: 120 Water Enterprise Capital IR&R			
Revenue			
431 - Development Fees	$250,000.00	$293,039.40	117%
441 - Charges for Services	$2,500.00	$150.00	6%
452 - Aid from Governmental Agencies - State	$0.00	$18,868.47	-
461 - Investment Earnings	$52,900.00	$13,441.30	25%
481 - Other Revenue	$0.00	$0.00	-
499 - Transfers	$12,823,924.00	$6,411,962.00	50%
Revenue Totals	$13,129,324.00	$6,737,461.17	51%
Expenditures			
600 - Labor & Overhead Distributed[1]	$1,177,962.00	$605,267.95	51%
611 - Purchased Services	$2,875,329.00	$218,087.33	8%
643 - Communications	$0.00	$0.00	-
652 - Repairs and Maintenance	$0.00	$0.00	-
653 - Rental Services	$549,198.00	$233,718.00	43%
661 - General Office Services/ Supplies	$150,000.00	$7,744.36	5%
665 - Other Services/ Supplies	$8,595.00	$10,530.33	123%
667 - Training and Travel	$0.00	$0.00	-
669 - Special Departmental Expense	$978,698.00	$0.00	0%
671 - Equipment, Furniture and Vehicles	$120,000.00	$0.00	0%
672 - Land and Facility Improvements	$5,891,250.00	$2,522,889.46	43%
691 - Transfers	$0.00	$0.00	-
Expenditure Totals	$11,751,032.00	$3,598,237.43	31%
Revenue Less Expenses Fund 120 Total	$1,378,292.00	$3,139,223.74	

	FY 14/15 Amended Budget	FY14/15 YTD Actual	% Used/Rec
FUND: 130 Water Enterprise Cap Expansion			
Revenue			
431 - Development Fees	$19,020,120.00	$7,633,458.00	40%
441 - Charges for Services	$0.00	$0.00	-
452 - Aid from Governmental Agencies - State	$0.00	$8,086.48	-
461 - Investment Earnings	$81,100.00	$22,366.76	28%
481 - Other Revenue	$2,940,800.00	$1,379,998.40	47%
499 - Transfers	$0.00	$0.00	-
Revenue Totals	$22,042,020.00	$9,043,909.64	41%
Expenditures			
600 - Labor & Overhead Distributed[1]	$636,105.00	$177,698.54	28%
611 - Purchased Services	$1,808,744.00	$118,474.86	7%
621 - Water	$16,744,211.00	$10,963,404.38	65%
643 - Communications	$0.00	$0.00	-
653 - Rental Services	$426,376.00	$181,780.67	43%
661 - General Office Services/ Supplies	$0.00	$2,114.92	-
662 - Organizational Membership/ Participation	$694.00	$626.70	90%
665 - Other Services/ Supplies	$0.00	$0.00	-
667 - Training and Travel	$0.00	$0.00	-
669 - Special Departmental Expense[3]	$472,643.00	$19,764.72	4%
671 - Equipment, Furniture and Vehicles	$0.00	$0.00	-
672 - Land and Facility Improvements	$1,344,256.00	$920,812.40	68%
675 - Debt Service	$0.00	$0.00	-
691 - Transfers	$0.00	$0.00	-
Expenditure Totals	$21,433,029.00	$12,384,677.19	58%
Revenue Less Expenses Fund 130 Total	$608,991.00	($3,340,767.55)	

ZONE 7 WATER AGENCY

Annual Budget by Account Classification Report

Budget Summary for the period 7/1/2014 - 12/31/2014

	FY 14/15 Amended Budget	FY14/15 YTD Actual	% Used/Rec
FUND: 200 Flood Protection Operations			
Revenue			
421 - Property Taxes	$6,307,731.00	$3,576,306.47	57%
441 - Charges for Services	$13,000.00	$101,086.62	778%
452 - Aid from Governmental Agencies - State	$54,000.00	$46,562.67	86%
453 - Aid from Governmental Agencies - Local	$10,700.00	$0.00	0%
461 - Investment Earnings	$25,000.00	$10,730.45	43%
462 - Rents and Royalties	$60,505.00	$41,212.15	68%
464 - Fines and Penalties	$0.00	$0.00	-
481 - Other Revenue	$35,000.00	$0.00	0%
491 - Other Financing Sources	$0.00	$0.00	-
499 - Transfers	$0.00	$0.00	-
Revenue Totals	$6,505,936.00	$3,775,898.36	58%
Expenditures			
600 - Labor & Overhead Distributed[1]	$2,098,094.00	$809,825.58	39%
611 - Purchased Services	$6,178,344.00	$203,831.18	3%
643 - Communications	$3,000.00	$1,801.27	60%
651 - Cleaning Services	$10,000.00	$1,905.85	19%
652 - Repairs and Maintenance	$2,355,491.00	$1,078,060.55	46%
653 - Rental Services	$159,322.00	$69,604.60	44%
661 - General Office Services/ Supplies	$19,550.00	$5,668.92	29%
662 - Organizational Membership/ Participation	$175,584.00	$13,032.50	7%
665 - Other Services/ Supplies	$516,902.00	$32,855.42	6%
667 - Training and Travel	$31,400.00	$2,325.00	7%
669 - Special Departmental Expense	$13,333.00	$0.00	0%
671 - Equipment, Furniture and Vehicles	$0.00	$0.00	-
672 - Land and Facility Improvements	$2,718,541.00	$47,300.00	2%
691 - Transfers	$0.00	$3,333.33	-
Expenditure Totals	$14,279,561.00	$2,269,544.20	16%
Revenue Less Expenses Fund 200 Total	($7,773,625.00)	$1,506,354.16	

	FY 14/15 Amended Budget	FY14/15 YTD Actual	% Used/Rec
FUND: 210 Flood Protection/Drainage DIF			
Revenue			
431 - Development Fees	$2,530,000.00	$982,074.94	39%
441 - Charges for Services	$0.00	$17,000.00	-
452 - Aid from Governmental Agencies - State	$0.00	$32,357.11	-
461 - Investment Earnings	$91,500.00	$29,015.07	32%
481 - Other Revenue	$25,000.00	$0.00	0%
499 - Transfers	$0.00	$0.00	-
Revenue Totals	$2,646,500.00	$1,060,447.12	40%
Expenditures			
600 - Labor & Overhead Distributed[1]	$665,730.00	$100,810.69	15%
611 - Purchased Services	$5,166,799.00	$70,024.62	1%
643 - Communications	$0.00	$5.72	-
653 - Rental Services	$121,822.00	$52,035.52	43%
661 - General Office Services/ Supplies	$0.00	$56.17	-
662 - Organizational Membership/ Participation	$0.00	$0.00	-
665 - Other Services/ Supplies	$0.00	$0.00	-
667 - Training and Travel	$0.00	$0.00	-
669 - Special Departmental Expense	$250,000.00	$0.00	0%
672 - Land and Facility Improvements	$817,806.00	$60,200.00	7%
Expenditure Totals	$7,022,157.00	$283,132.72	4%

	FY 14/15 Amended Budget	FY14/15 YTD Actual	% Used/Rec
FUND Total: Flood Protection/Drainage DIF	($4,375,657.00)	$777,314.40	-18%
Revenue Grand Totals:	$92,845,779.00	$40,499,833.05	44%
Expenditure Grand Totals:	$118,870,249.00	$45,338,408.49	38%
Net Grand Totals:	($26,024,470.00)	($4,838,575.44)	

Notes:

1. Agency-wide salaries, wages, overtime and benefits are budgeted in Fund 100, then distributed to other funds based on assignments and work demands.
2. This is a credit to Fund 100 for salaries, wages, overtime and benefits charged to other funds.

Fund Equity Changes Report

Through 12/31/14
Summary Listing

FUND	FUND Description	July 1, 2014 Audited Fund Balance	YTD Revenues	YTD Expenses	December 31, 2014 Estimated Fund Balance
Fund Category **Proprietary Funds**					
Fund Type **Enterprise Funds**					
100	Water Enterprise Operations	30,450,709	13,000,249	18,523,745	24,927,213
110	State Water Facilities	8,849,889	6,881,868	8,279,072	7,452,685
120	Water Enterprise Capital IR&R	18,690,974	6,737,461	3,598,237	21,830,198
130	Water Enterprise Cap Expansion	33,346,252	9,043,910	12,384,677	30,005,485
	Fund Type **Enterprise Funds** Totals	91,337,825	35,663,488	42,785,732	84,215,581
	Fund Category **Proprietary Funds** Totals	91,337,825	35,663,488	42,785,732	84,215,581
Fund Category **Governmental Funds**					
Fund Type **Special Revenue Funds**					
200	Flood Protection Operations	15,260,267	3,775,898	2,269,544	16,766,621
210	Flood Protection/Drainage DIF	41,506,429	1,060,447	283,133	42,283,744
	Fund Type **Special Revenue Funds** Totals	56,766,696	4,836,345	2,552,677	59,050,365
	Fund Category **Governmental Funds** Totals	56,766,696	4,836,345	2,552,677	59,050,365
	Grand Totals	148,104,521	40,499,833	45,338,408	143,265,945

Please note:

This Fund Equity Changes Report shows the audited beginning balance of total reserves as of July 1, 2014 (which is the balance of total reserves as of June 30, 2014 carried over to July 1, 2014 as the beginning balance) and posted revenues and expenses which have occurred as of the date that the report was created.

There are other timing differences in posting revenues which have been earned and expenses which have been incurred (e.g., payroll).

The July 2014 report (Audited Reserve Balances as of July 31, 2014) calculated individual reserve balances on the basis of posted revenues and expenses as of the date of the report. This led to some questions as to why there was no decrease in certain reserves. This Fund Equity Changes Report reports total reserve balances as of the date of the report. An accurate allocation of the individual reserves cannot be calculated without considering all of the revenues earned and expenses incurred for the period and then allocating the reserves based on the amounts budgeted for each reserve. This is why the individual reserve balances cannot be estimated monthly.

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

ORIGINATING SECTION: ADMINISTRATIVE SERVICES
CONTACT: TOM PICO

AGENDA DATE: January 21, 2015 ITEM NO. **12c**

SUBJECT: December Legislative Update

SUMMARY:

- Zone 7 staff, with the support of Agency consultants, monitors legislation that is being considered in Sacramento, as well as other political activities of interest to the Agency.
- The new Legislature convened on December 1, 2014 for one day to swear in members, and was to return on January 5, 2015. Catharine Baker, elected to represent the 16th Assembly District that includes most of Zone 7's service area, was sworn in and given committee assignments by Speaker Toni Adkins. Baker will serve as vice-chair of the Higher Education Committee and will also be a member of the Business and Professions, Privacy and Consumer Protection, Transportation, and Joint Legislative Audit committees.
- Democrats Joan Buchanan and Susan Bonilla have announced their candidacies for the state Senate's 7th District (which also includes most of Zone 7's service area). The Senate seat will be vacated by Mark DeSaulnier when he is sworn into Congress in January. DeSaulnier won the 11th Congressional District seat after 20-term Representative George Miller retired. Buchanan was termed out of the Assembly after serving six years, while Bonilla won re-election to her Assembly seat in November. Republican Mark Meueser also has declared his candidacy for the Senate seat. Governor Brown will set the date for the special election.
- The House of Representatives, on a largely party-line vote, passed the California Emergency Drought Relief Act on December 9, 2014. It was opposed by both of California's U.S. senators and was not brought up for a vote before the Senate adjourned for the year, meaning that any federal legislation dealing with California's drought will have to start with a new bill introduced after the new Congress convenes in January.
- The State Water Resources Control Board selected Michael George as the new Delta Watermaster. He is an attorney and most recently worked as managing director for Wedbush Securities in San Francisco. He succeeds the first watermaster, Craig Wilson, effective January 5, 2015. The watermaster is responsible for both the day-to-day administration of water rights in the Delta region and working with the State Water Board on strategic initiatives to improve operation of the water rights system within the Delta. His term is four years.

RECOMMENDED ACTION: Information only

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: ADMINISTRATIVE SERVICES
CONTACT: BONI BREWER/TOM PICO

AGENDA DATE: January 21, 2015 ITEM NO. **12d**

SUBJECT: December Outreach Activities

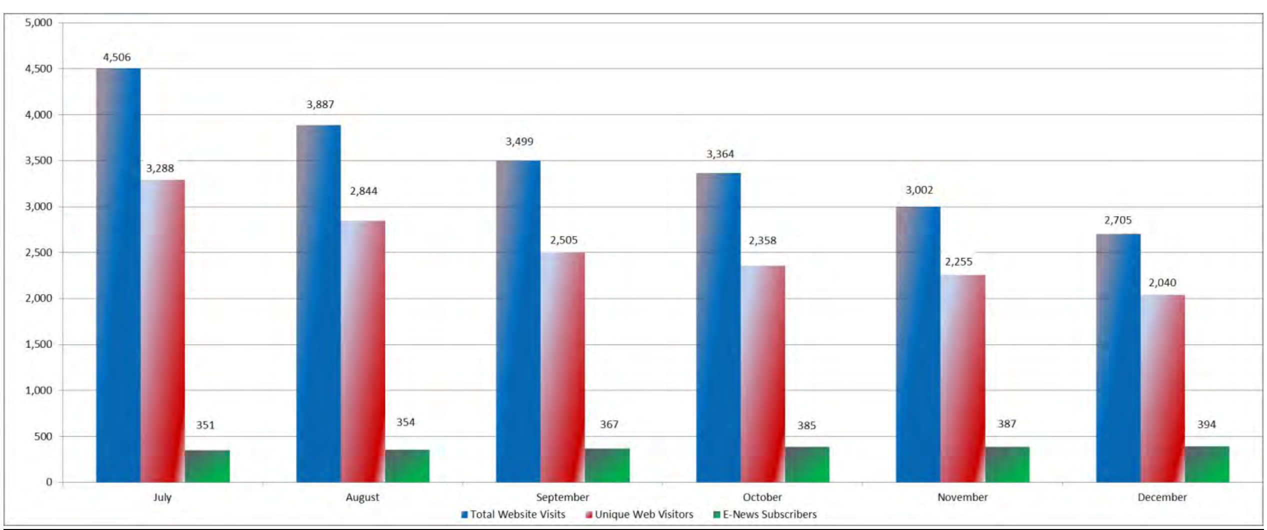
E-Newsletters, December 1st and 30th

The December 1st e-newsletter had an article on Board approval of two agreements with other entities aimed at bolstering Zone 7's water supply reliability. The December 30th e-newsletter had articles on flood preparedness, Zone 7's budget presentation award, the recent audit's clean bill of health, and the Bay Delta Conservation Plan.

Christmas Bird Count, December 19, 2013

Zone 7 again provided access to its Chain of Lakes property as part of the sixth annual Eastern Alameda County Christmas Bird Count, hosted by the Ohlone Audubon Society and the Alameda Creek Alliance. Within the Chain of Lakes area, a total of 77 species of birds were spotted, including Horned Grebes, Western Grebes, Double-crested Cormorants, Black Phoebes, Song Sparrows and Western Meadowlarks. Birds also were counted in several of the area's regional parks, SFPUC watershed lands, and birding hotspots including lower Mines Road, Sunol Wilderness, and Springtown Preserve. This marked the 115th year of the annual nationwide volunteer-based survey effort coordinated by the Audubon Society to promote bird conservation and assess long-term trends in winter bird populations.

Website & E-news Subscription Activity



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ORIGINATING SECTION: Engineering
CONTACT: Kurt Arends

AGENDA DATE: January 21, 2015 ITEM NO. **12e**

SUBJECT: Update Related to the Bay Delta Conservation Plan

BACKGROUND:

The Bay Delta Conservation Plan (BDCP), which has the co-equal goals of achieving water supply reliability while improving the ecosystem, is a voluntary effort to obtain long-term, incidental take permits for the operations and infrastructure improvements of the State Water Project (SWP) and the Central Valley Project (CVP) through development of a comprehensive Habitat Conservation Plan (HCP) under the federal Endangered Species Act, and a Natural Community Conservation Plan (NCCP) under the California Natural Community Conservation Planning Act. The BDCP is a mechanism for improving the ecological conditions to provide multi-species regulatory protection for 57 different wildlife and plant species in the Delta. Zone 7's interest is securing the regulatory protection for SWP operations, restoring water supply reliability lost to recent regulation and court actions and improving the ecosystem through a long-term multi-species habitat conservation agreement.

The Delta Habitat Conservation and Conveyance Program (DHCCP) is the associated effort to do enough preliminary engineering to analyze the proposed actions in the BDCP under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) and to prepare the related environmental impact documents (both a federal Environmental Impact Statement and a state Environmental Impact Report, known as an EIR/EIS, collectively). This effort also includes development of preliminary engineering designs, geotechnical field studies and analysis, and other necessary feasibility information for Delta water conveyance improvement projects and related habitat conservation measures under the BDCP.

Although the BDCP is a key element of the Delta planning framework established by the State Legislature in 2009, it is not the only effort needed to accomplish the "co-equal goals" of restoring the Delta ecosystem and water supply reliability for California. The Delta Stewardship Council, Delta Protection Commission, Delta Conservancy and State Water Resources Control Board all have important roles in the planning framework.

To put the BDCP into the context of all of the state's water resources, the California Water Action Plan was developed by the Administration (see http://resources.ca.gov/docs/california_water_action_plan/Final_California_Water_Action_Plan.pdf). This Plan lays the foundation for implementing broader, statewide measures including water use efficiency, groundwater management, integrated regional water management, expanded recycling and potential development of surface storage to improve water supply reliability.

DISCUSSION:

On December 19, 2014, The California Department of Water Resources announced several changes and improvements made to the Bay Delta Conservation Plan (BDCP). The major changes anticipated in the limited documents to be recirculated include:

- Eliminate three pumping plants on the east bank of the Sacramento River between Hood and Walnut Grove.
- Minimize activity on Staten Island, which provides important sandhill crane habitat, by removing tunnel launch facilities, large reusable tunnel material storage areas, a barge landing site, and high-voltage power lines.
- Increase use of property owned by DWR.
- Eliminate the need for additional permanent power lines to the intake locations in the north Delta, including near Stone Lakes National Wildlife Refuge.
- Eliminate impacts on Italian Slough (near Clifton Court Forebay) by removing an underground siphon.
- Reduce power requirements.
- Allow water to flow from the Sacramento River entirely by gravity at certain river stages.
- Reduce tunnel operation and maintenance costs.

Eliminating three separate two-story pumping plants along a five-mile stretch between Clarksburg and Courtland significantly reduces impacts. The original plans to build three intakes screened for fish protection along that stretch of river would not change, but after extensive engineering analysis, DWR determined that it is not necessary to also build pumping plants adjacent to each intake in order to move the water from the river and into tunnels. Instead, water could be moved from the river into tunnels by a single new pumping plant constructed 40 miles away, at the end of the tunnels on DWR property near Clifton Court Forebay.

The roughly 87-acre footprint of each intake would not change, but three 46,000-square-foot buildings would not be needed to house pumping plants. No permanent transmission lines, substations, and surge shafts would be needed, either. Facilities at the intakes would include fish screens in the river, sedimentation basins, drying lagoons, access roads, and control gate structures. Elimination of the three pumping plants would help preserve the view on State Route 160 between Hood and Walnut Grove, a state scenic highway. It would also reduce construction traffic along the river.

Throughout the eight-year development of the BDCP, DWR has sought to minimize potential disruption and dislocation of Delta residents. In 2013, DWR made significant changes to the proposed water conveyance facilities that reduced by 50 percent the total permanent footprint of the project. The most recent changes to the proposed conveyance system, along with many other changes to other aspects of the plan, will be available for formal public review and comment in a partially Recirculated Draft BDCP, Environmental Impact Report/Environmental Impact Statement and Implementing Agreement, expected for release in 2015. A fact sheet is available at
http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/BCDP_Modified_Pipeline_Tunnel_Option_Factsheet_12-19-14.sflb.ashx.

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: Engineering
CONTACT: Rhett Alzona

AGENDA DATE: January 21, 2015

SUBJECT: Drought Update ITEM NO. **12f**

SUMMARY:

- DWR was able to maintain Lake Del Valle full throughout the summer and lowered it in the fall. December rains brought almost 5,000 AF of inflow into the lake. The current lake level is 695.3' (34,700 AF).

- With the precipitation in December, raw water TOC concentrations were observed to steadily increase at the treatment plants. TOC levels were seen above 4.5 mg/L at the end of the month. As a result, coagulant demand continues to be higher than normal to combat the elevated TOC levels.

- Following is the status of the two remaining emergency projects approved by the board on January 29, 2014:

    1. Chain of Lakes Well No. 5 – Substantial completion was on October 31. The well has been operational and is producing around 1,500 gpm (2.1 MGD). Finalizing record drawings and Operations and Maintenance Manuals for the facility.
    2. Busch Valley Well No. 1 – Zone 7 entered into a Progressive Design-Build contract with Conco West, Inc. (with Stantec as sub-consultant). The basis of design is still being completed as details on configuration of the facility are still being refined. In addition, two pipe stubs and associated valving are being designed for construction at the site to allow for installation of a temporary, portable booster pump. The temporary pumping will allow testing to determine impacts of such a station on maximizing well capacity and confirm whether such pumping could also facilitate blending to meet chromium standards. Along with the basis of design, this will be the final work to be undertaken before the Busch Valley Well project is deferred.

From an operational standpoint, staff used wells only as needed during December while optimizing surface water treatment given the timing of the limited SWP allocation and associated window for exchanges (to access water banked out-of-basin). There were no artificial groundwater recharge operations during the month. The Mocho Groundwater Demineralization

Plant (MGDP) operation was limited to minimum reverse osmosis (RO) feed to maintain the membranes. Minimal MGDP use avoids discharge of the concentrate and minimizes water loss (waste stream is approximately 15% of the amount of groundwater pumped).

- In December, Zone 7 began recovering water from both Semitropic and Cawelo water banks. With current conservation levels, it is anticipated there will be more water recovered than Zone 7 needs in 2014. Therefore, in preparation for another drought year in 2015, DWR is allowing Zone 7 to store excess water in San Luis reservoir for use in 2015.
- On December 1st, DWR announced a 10% *initial* Table A allocation. The *final* allocation will be issued in April 2015. According to DWR, 10% is firm; allocation could be increased depending on how hydrology evolves over the remainder of the water year. Note that at 10% Table A allocation, there is expected to be a sufficient exchange capacity to facilitate delivery of banked water.

BACKGROUND:

Calendar Year 2013 was the driest year in recorded state history. 2013 also set a new record as the driest year measured in the Livermore-Amador Valley, with total precipitation of only 4.5 inches out of the average yearly rainfall of 14.47-inches (only 31% of average at Livermore Station 15e). At the beginning of 2014, the snowpack's statewide water content was estimated at about 20% of average for this time of year and January set a record for being the driest January in recorded history for the State and Bay Area.

On January 17, 2014, Governor Jerry Brown declared a State of Emergency in California due to the current drought conditions and asked all citizens to cut back water use by 20%. On January 29, 2014 at a Special Meeting of the Zone 7 Board, a Local Drought Emergency was declared and a Drought Emergency Response Plan was accepted. In addition, on January 31, 2014, the California Department of Water Resources (DWR) announced they were reducing State Water Project allocations from 5% to zero for the first time in history.

On January 29, 2014 the General Manager was authorized and directed to establish an appropriate level of conservation for the Livermore-Amador Valley, consistent with the governor's proclamation of a drought emergency (20% or greater). The initial conservation level was set at 20%.

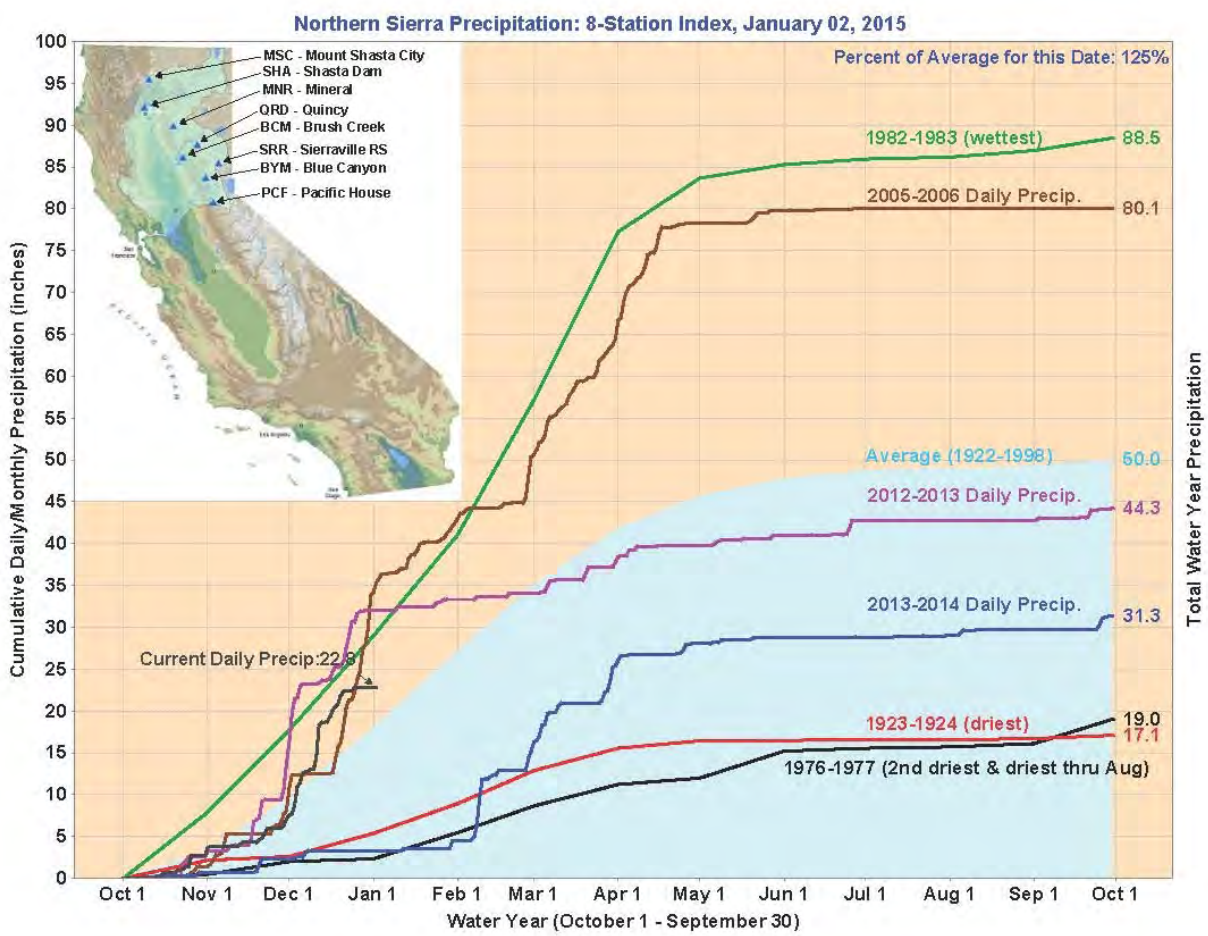
On April 16th, the Zone 7 Board received the annual Sustainability Report and authorized the General Manager to implement Stage Two Actions under the 2010 Urban Water Management Plan to achieve 25% demand reductions. On April 25th, Governor Jerry Brown issued a second drought proclamation.

On July 29th, a State Water Resources Control Board emergency regulation to increase mandatory conservation practices for all Californians went into effect. The new conservation regulation targets outdoor urban water use and mandates conservation reporting by retail water agencies.

On August 14th, the California Public Utilities Commission ordered the water companies under its jurisdiction to provide notice to their customers of the July 29th emergency regulation.

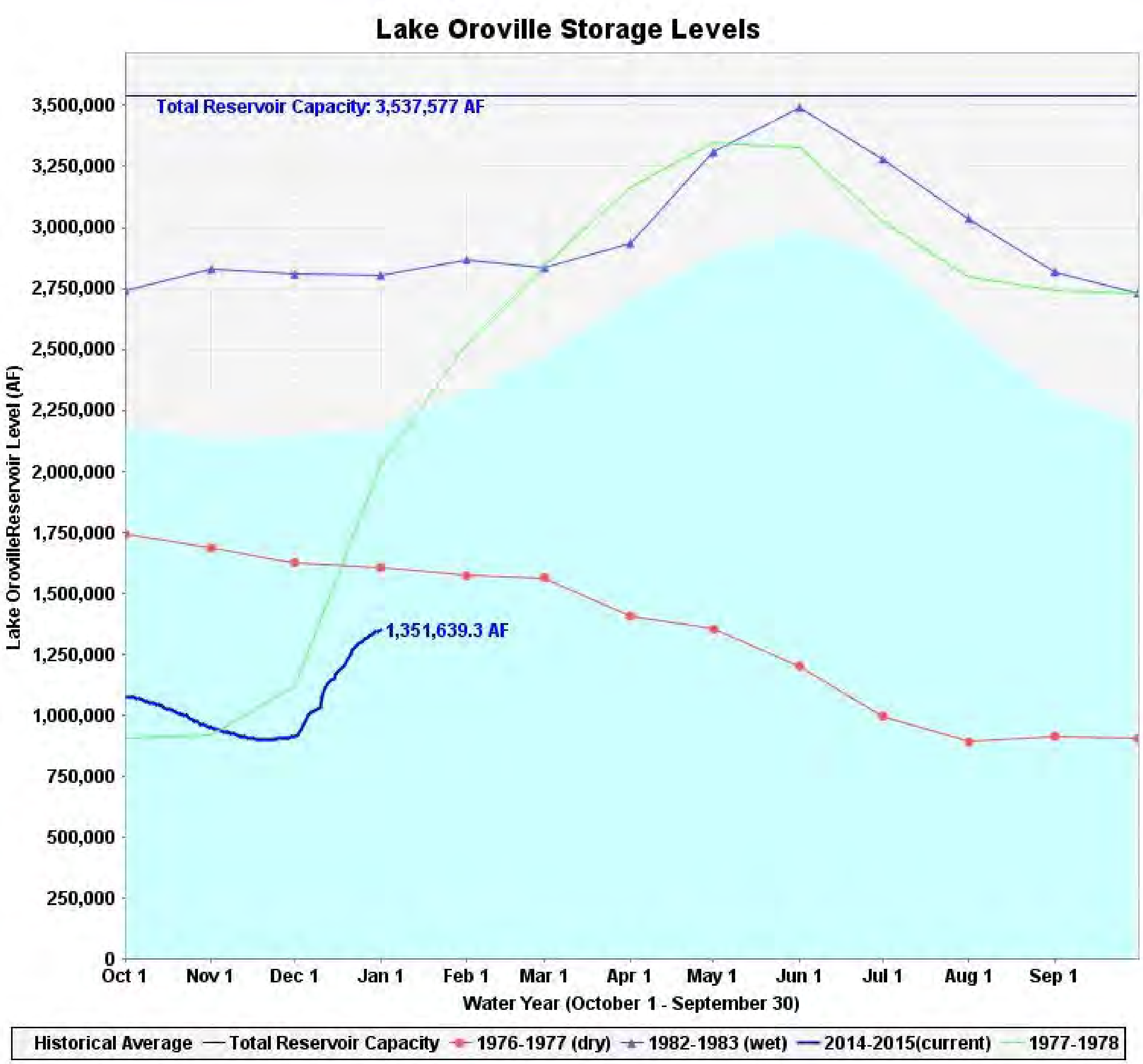
DISCUSSION:

Due to precipitation in December, Northern Sierra hydrology is above average currently at 22.8 inches compared to an average of 18 inches for this time of year, as of January 2 (see graph; or for updates see http://cdec.water.ca.gov/cgi-progs/products/PLOT_ESI.pdf). This is critical because the Northern Sierra precipitation determines DWR's ability to refill Lake Oroville, which is the primary source of water for Zone 7 (water is released from Lake Oroville into the Feather and then the Sacramento River and from there it is conveyed through the Delta by a series of levees that direct the Oroville releases to the South Delta pumps which bring water to the Livermore-Valley and to other State Water Contractors).



With the wet weather in December, storage in Lake Oroville exhibited noticeable increases in water level. However, storage levels are still low at approximately 62% of the historic average and below the 1976-1977 critical dry year conditions (see Oroville graph, below). The current 1,351,640 AF of storage represents 38% of Lake Oroville's total capacity. Also, added in green for comparison with this year's current recovery is the 1977-78 water level history after the 1976-77 drought.

This can be tracked on the DWR data website at
http://cdec.water.ca.gov/cdecapp/resapp/resDetailOrig.action?resid=ORO.

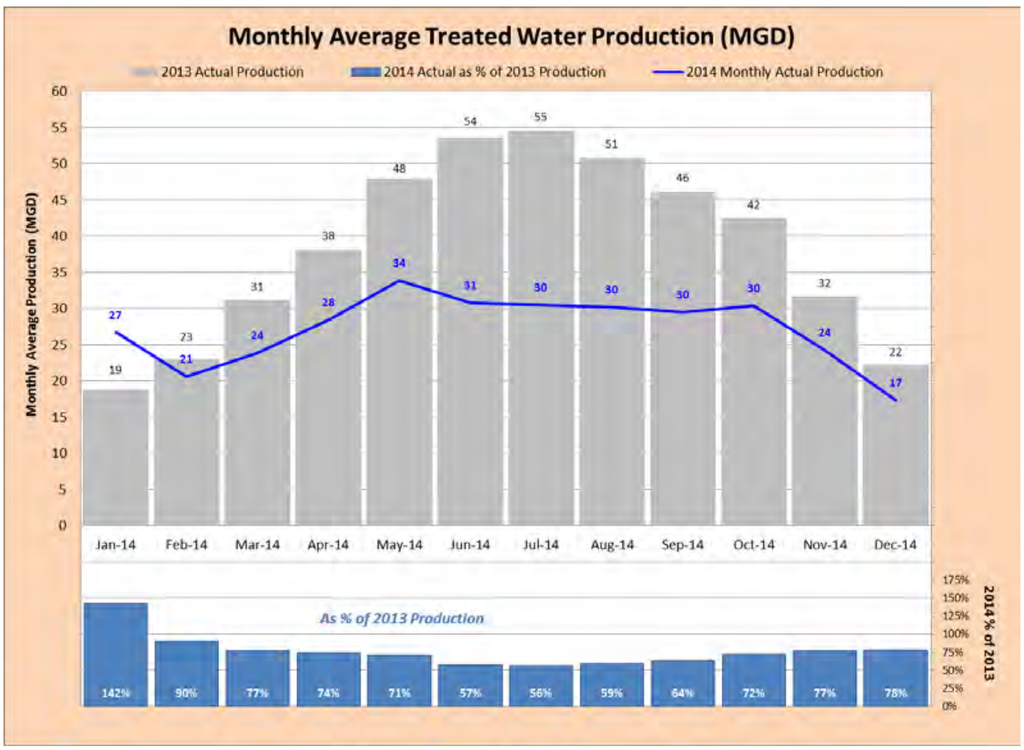


The California Department of Water Resources (DWR) conducted its first manual snow survey on December 30th, finding more snow than last year but still far below average for this date. Statewide, 105 electronic sensors in the Sierras detected 50% of the multi-year average for December 30th. That compares favorably with last winter's first survey, when the snow water equivalent statewide was only 20% of normal, which tied with 2012 as the driest readings on record.

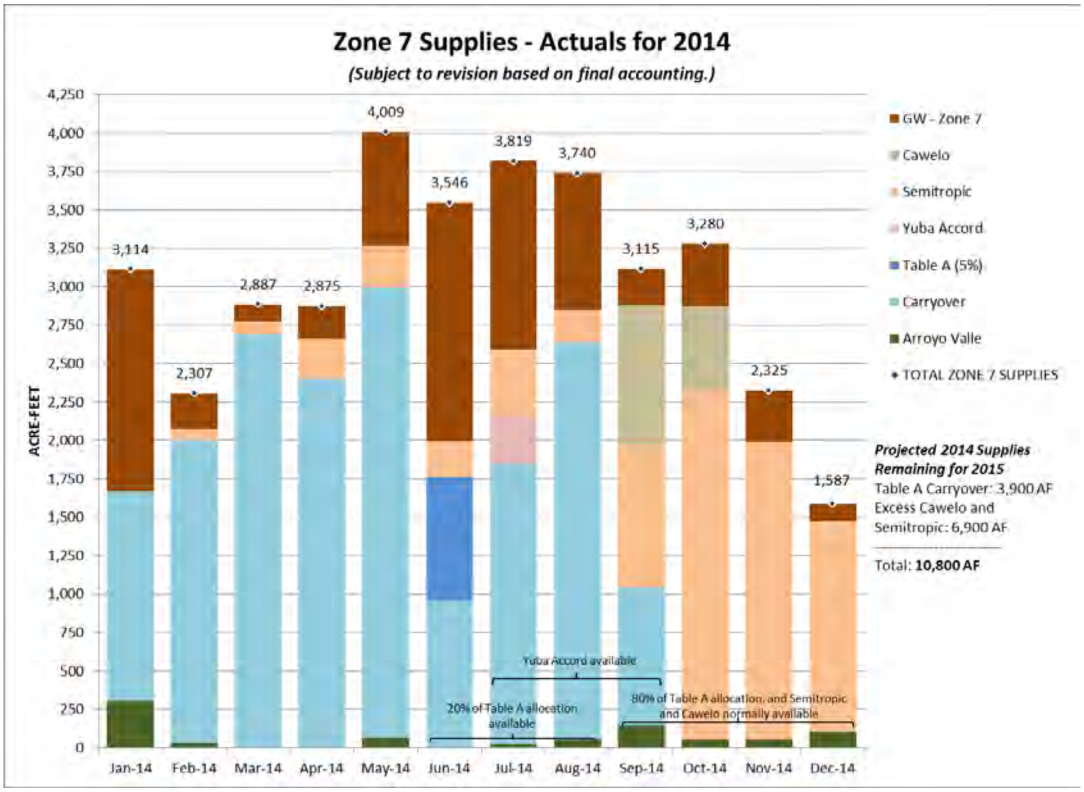
The local hydrology for the current Water Year (October 1, 2014-December 31, 2014) is currently at 192% of average conditions at 9.56 inches. December rains allowed Zone 7 to capture about 2,300 AF of local water under the Arroyo Valle Water Rights permit. The rains brought some relief from the drought but this is still 44% below the annual average so more rain is needed.

In December 2014, there was a 22% demand reduction relative to December 2013, a difference of 460 AF. Overall, calendar year 2014 saw a very successful conservation effort, with the Valley achieving 29% demand reduction exceeding the 25% goal for the year.

In December, surface water production remained high with the increased water deliveries from the SWP of recovered banked water from Semitropic Water Storage District and Cawelo Water District. Del Valle Water Treatment Plant and the Patterson Pass Treatment Plant produced an average of 16 million gallons per day (MGD). Wells were only operated as-needed, and only supplied 6% of December demands. Total average production in December 2014 decreased to 17 MGD, as compared to 22 MGD in December 2013.



The graph below shows Zone 7's actual use of water supplies through December 31st. This graph may be revised to reflect final accounting received from DWR and Zone 7's banking partners. This year, Semitropic was able to pump some water for Zone 7 during the summer months; pumpback water is typically not available during the peak irrigation months of June, July, and August. Semitropic has completed pumping for 2014 water requests as of early January 2015 and will resume pumping for 2015 water requests in early February to get a good head start on pumping and to maximize the possibility of meeting recovery requests from banking partners.



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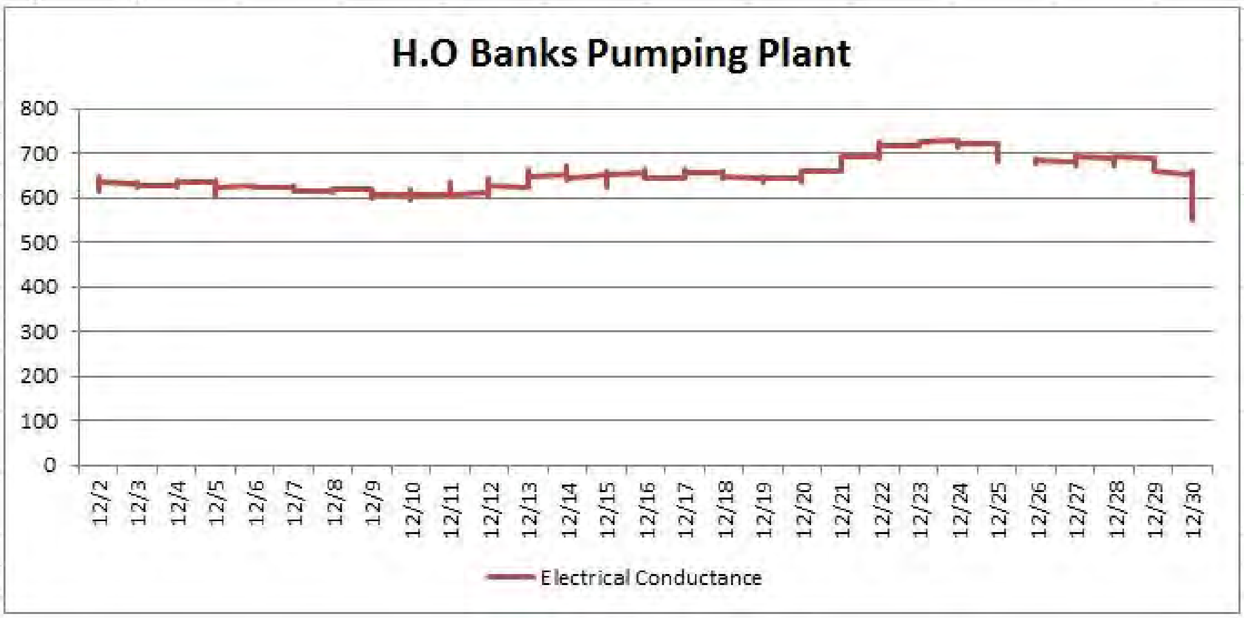
To be conservative, Zone 7 has been preparing for another drought year in 2015. Zone 7 stored 10,800 AF of 2014 supplies for 2015 use in San Luis Reservoir. Staff will continue to work closely with Cawelo, Semitropic, DWR, and other SWP contractors to ensure deliveries of banked water as needed in 2015.

Electrical conductivity is measured as a surrogate for TDS (TDS is approximately equal to 0.58 times EC):

Electrical Conductance (µS/cm)



Based on the above data, in the month of December raw water to the treatment plants has total dissolved solids (TDS) ranging around 350 to 420 mg/L. Typical TDS levels around this time of year are between 250 mg/L and 300 mg/L.

Higher TOC levels continue to impact treatment at the plants requiring higher ferric chloride dosages and more pH adjustments. Ferric chloride dosages have been around 50 to 60 mg/L in December. In the past, Zone 7 treatment plants have operated with ferric chloride dosages in the neighborhood of 25 mg/L.