



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, October 16, 2013

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 September 18, 2013
5. Consent Calendar
 - a. Consider Amending Strategic Planning Priorities
 - b. Lease Agreement with City of Livermore for Solar Panel and Antenna for Cal Water Turnout No. 7
 - c. License Agreement with DSRSD for Landscaping Line G-1-1 Channel
 - d. Resolution Proclaiming the Week of November 4-9, 2013 to be California Flood Preparedness Week
 - e. Principles of Understanding Between Contra Costa County and Zone 7
 - f. Amending Guiding Principles for Board Members
6. Staffing Update:
August Employee of the Month Recognition
7. Proposed 2014 Municipal and Industrial Water Connection Fee

Recommended Action: Adopt resolution.

8. Environmental Compliance & Planning, As Needed Services

Recommended Action: Adopt resolution.

9. Chain of Lakes Preliminary Lake Use Evaluation and Related Issues

Recommended Action: Discussion and provide direction.

10. Award of Contract for the DVWTP Caustic Soda Storage Tank Relining Project

Recommended Action: Adopt resolution.

11. Committees - Water Resources Committee, September 24, 2013 - notes
- Administrative Committee, October 10, 2013 - notes

12. Reports – Directors

- a. Verbal comments by President
- b. Written report by Director Quigley
- c. Other Directors' Verbal reports

13. Items for Future Agenda – Directors

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

- a. General Manager's Report
- b. Communications Outreach Activities
- c. Legislative Update
- d. Monthly Budget Report
- e. Verbal Reports

15. CLOSED SESSION

- (a) Conference with Legal Counsel -- Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d) (2): 1 case.
- (b) Conference with Legal Counsel -- Potential litigation pursuant to Gov't Code section 54956.9(d) (3): 2 cases.
- (c) 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.
- (d) Conference with Real Property Negotiator:
Property: APN 946-1251-029-00.
Agency negotiator: G.F. Duerig
Negotiating party: Robert M. Krantz, Broker, North Pacific Coast Company
Under negotiation: Price and terms of payment.

16. Open Session and Report Out of Closed Session

17. Adjournment

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

- a) Water Resources Committee Meeting: October 21, 4:00 p.m.
- b) Special Board Meeting (if needed): November 6, 2013
- c) Regular Board Meeting: November 20, 2013, 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

September 18, 2013

The following were present:

DIRECTORS: SANDS FIGUERS
JOHN GRECI
A J MACHAEVICH
SARAH PALMER
RICHARD QUIGLEY
ANGELA RAMIREZ HOLMES
BILL STEVENS

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING
TOM HUGHES, ASSISTANT GENERAL MANAGER, ADMINISTRATION
JUDY RECTOR, BOARD SECRETARY

COUNSEL: DAVID ALADJEM, DOWNEY BRAND

The Board went into closed session at 6:30 p.m.

Item 1 - Closed Session

- (a) Conference with Legal Counsel -- Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d) (2): 1 case.
- (b) Conference with Legal Counsel -- Potential litigation pursuant to Gov't Code section 54956.9(d) (3): 2 cases.
- (c) 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.
- (d) Conference with Real Property Negotiator:
Property: APNs 99-525-2, 99-550-2-3, 99-550-3-2, 99A-2700-2-5, 99A-2700-6-6, 99A-2700-9- 8, 99A-2700-10, 99A-2700-11-3, 99A-2700-12-6, 99A-2700-12-7, 99A-2420-4-13, 96-420-2, 96-420-3, 96-429-6, 99A-2701-1, 99A-2701-2, 99A-2701-3.
Agency negotiator: G.F. Duerig
Negotiating parties: Patliv; PTLM, Inc.; Henry H. Patterson Trust, and Charles Edwards Engs
Under negotiation: Price and terms of payment.

Director Figuers left after closed session and Director Ramirez Holmes arrived at the meeting at 7 p.m.

Item 2 - Open Session and Report Out of Closed Session

The Board came out of closed session at 7:00 p.m. President Stevens stated no reportable action had been taken in closed session.

Item 3 - Call Meeting to Order

Director Quigley moved and Director Machaevich seconded a motion approving the following resolutions, which were passed by a roll call vote of 5-0-1-1 with Director Figuers absent and Director Ramirez Holmes abstaining.

Resolution 14-4307 Approved salary adjustments of 3% each year for all SEIU-represented classifications for the period June 23, 2013 through July 2, 2016.

Director Quigley moved and Director Machaevich seconded a motion approving the following resolutions, which were passed by a roll call vote of 5-0-1-1 with Director Figuers absent and Director Ramirez Holmes abstaining.

Resolution 14-4308 Approved salary increases of 3% each year for the General Manager of Zone 7 for the period June 23, 2013 through July 2, 2016.

Director Palmer noted that this is the same percentage given to those bargaining units that have already settled. President Stevens noted that the Zone 7 General Manager is about 14% behind the median.

Director Quigley moved and Director Machaevich seconded a motion approving the following resolutions, which were passed by a roll call vote of 5-0-1-1 with Director Figuers absent and Director Ramirez Holmes abstaining.

Resolution 14-4309 Approved salary adjustments for the Assistant General Manager, Engineering and delete Appendix A Footnotes to Salary Schedules Section 4.12 - Multiple Divisions (Assistant General Manager, Engineering) and effective September 29, 2013, convert the footnote to salary.

Director Quigley moved and Director Machaevich seconded a motion approving the following resolutions, which were passed by a roll call vote of 5-0-1-1 with Director Figuers absent and Director Ramirez Holmes abstaining.

Resolution 14-4310 Approved salary adjustments for the Assistant General Manager, Finance and Assistant General Manager, Personnel, and delete Appendix A Footnotes to Salary Schedules Section 4.13 - Multiple Divisions (Assistant General Manager, Finance or Personnel); and effective September 29, 2013, the classifications of Assistant General Manager, Finance, and Assistant General Manager, Personnel, will be benchmarked to 5% below the Assistant General Manager, Engineering position.

Item 4 - Pledge of Allegiance

President Stevens led a salute to the flag.

Item 5 - Citizens Forum - None.

Item 6 - Minutes:

Special Meeting of August 19, 2013:

Director Greci moved that the corrected minutes of August 19, 2013, be approved and Director Quigley seconded the motion. The minutes passed by a 6-0-1 voice vote with Director Figuers absent.

Regular Meeting of August 21, 2013:

General Counsel David Aladjem noted a correction in the minutes. The language "President Stevens reported there was no report out of closed session" was corrected to read, "President Stevens reported there was no reportable action taken in closed session."

Director Greci moved that the corrected minutes of August 21, 2013, be approved and Director Quigley seconded the motion. The minutes passed by a 6-0-1 voice vote with Director Figuers absent.

Item 7 - Consent Calendar

President Stevens moved that Consent Item 7 (a) be pulled. Director Ramirez Holmes moved that Consent Item 7 (b) be pulled.

Item 7 (c): Authorize Watershed Protection Property Acceptance

Director Greci moved that Consent Item (c) be approved and Director Palmer seconded the motion. The motion was approved with a voice vote of 6-0-1 with Director Figuers absent.

Resolution 14-4303 Approved authorizing the General Manager to take any and all other actions that may be necessary, consistent with the terms of Resolution No. 14-4282, to complete acquisition of the Patterson Ranch.

Item 7 (b): Grant of Easement on Portion of Arroyo Las Positas to City of Livermore for Widening North Front (Northfront) Road

Director Ramirez Holmes asked for clarification that the name of the street in the agenda item is Northfront Road (one word), not North Front Road (two words as stated in the agenda item). Because legal documents are involved, she wanted to confirm the correct spelling of the street name. Director Ramirez Holmes moved to approve the motion with the correction and Director Quigley seconded the motion, which was approved by a voice vote of 6-0-1 with Director Figuers absent.

Resolution 14-4302 Authorized the General Manager to negotiate and finalize the Grant of Easement and that the Board of Supervisors approve granting the easement and authorize the President of the Board of Supervisors to execute it.

Item 7 (a): Approval of Guiding Principles for Board Members

President Stevens pulled Item 7 (a) and had recommendations for edits to the agenda item attachment Guiding Principles for Board Members, Role of the Board. He recommended that in Bullet #4 of the section on the Role of the Board, the wording be changed from “Understand your role and relationship to other board members and to the General Manager” to “Understand your role and relationship to other board members, staff, to the General Manager and the public.”

President Stevens also requested adding three additional bullet items to the Principles of the Board of Directors section including the following:

- Acts with decorum at and outside board meetings.
- Cannot represent or commit Zone 7 without a vote by the full board.
- Contacts the General Manager or Clerk of the Board with requests rather than going directly to staff.

Director Ramirez Holmes feels that the asterisk at the bottom of the page referring to Zone 7 Water Agency’s Board Policy on Conducting Business covers these items. She feels the Principles of the Board are to control behaviors of Board Members and questioned why the requested additions. Director Quigley agreed that these are guiding principles and the asterisk is the key for more information.

President Stevens asked for confirmation that the changes under the Role of the Board are okay. Director Ramirez Holmes and Director Quigley were not okay with the first bullet on decorum under the Principles of the Board of Directors. Director Palmer asked if it could be one simple one instead of three bullets. President Stevens replied that all three bullets are important. Director Palmer asked if it could be brought up in discussions with Board members to address issues so it is self-regulating. President Stevens wants to bring it to the Board’s attention, have a vote on each bullet item and wants it on record. Director Ramirez Holmes wants the minutes to reflect why it is being put on record and that she and Director Quigley are voting no because it was discussed at the Board retreat and there is nothing in the packet for this Board meeting on the revisions. She suggested tabling the item to the next Board meeting to have more information so the public can understand the actions of the Directors. Director Greci said President Stevens is trying to eliminate vagueness in the written policy but Director Greci agreed to table it for now because it needs more discussion. Director Palmer feels the subject was not fully covered at the retreat but needs to be addressed with careful thought.

Director Ramirez Holmes made a motion to table the item but Director Palmer suggested a simple addendum to Bullet #4 and address the other items at another time. Director Quigley agreed. Director Ramirez Holmes agreed to vote on the Guiding Principles for Board Members with the idea that it would come back in the future.

Director Palmer moved that a simple addendum to Bullet #4 under Role of the Board be made per President Stevens’ suggestion and pass the Guiding Principles as amended. Director Quigley seconded the motion. There was a voice vote of 6-0-1 with Director Figuers absent and Resolution 14-4301 was approved.

Resolution 14-4301 Approved Guiding Principles for Board members summarizing key principles in the “Gentleperson’s Agreement” and “Zone 7 Water Agency’s Board Policy on Conducting Business.”

Item 8 - Staffing Update -

July Employee of the Month Recognition

Ms. Duerig announced that Dominique Johnson, who works as an Account Clerk in the Accounting Section, is the July Employee of the Month. Dominique has participated in several activities to promote a healthier lifestyle and balancing work and life. The new financial software challenged everybody but to have Payroll Clerk named Employee of the Month soon after the changeover was phenomenal. The Board applauded her in absentia.

Item 9 - Agreement to Purchase DWR Property Adjacent to Patterson Pass Water Treatment Plant

Kurt Arends, Assistant General Manager, Engineering, explained that there is a 10.4-acre portion of property owned by the State of California Department of Water Resources (DWR), just east of Patterson Pass Road that is available for purchase. Zone 7 is interested in using the property for expansion for sludge drying beds and other water system-related uses. The purchase price of \$297,000 was determined after an appraisal by Associated Right of Way Services. DWR prepared an Agreement for the Sale of the property for a not-to-exceed amount of \$317,000, which includes \$20,000 for escrow-related fees.

Director Greci moved for approval and Director Machaevich seconded the motion. A roll call vote was taken and the motion was passed 6-0-1 with Director Figuers absent.

Resolution 14-4304 The Board authorized the General Manager to negotiate and execute an agreement with DWR for purchase of the property, accept the Grant Deed, and execute a certificate of acceptance for recording at the Office of the Recorder of Alameda County.

Item 10 - Proposed 2014 Municipal & Industrial Water Connection Fee

Tom Hughes, Assistant General Manager, Administrative Services, explained to the Directors that this is the first reading for the proposed 2014 Municipal & Industrial (M&I) Water Connection Fee. Further action will be recommended at the October 16, 2013, Board of Directors meeting.

The M&I Connection Fee Program began in 1972 to assess water connection fees to new development in order to fund water system expansion projects required to serve additional water demands from new development. In 2002, the Board adopted a resolution so that the basic fee would be updated annually based on the Engineering News Record Construction Cost Index (ENR CCI). In 2011, Zone 7 staff determined that future funding needs of the program were in-line with the existing connection fees and the review recommended annual increases based on the ENR CCI to account for the impact of inflation on future projects. For the 2014 fees, staff recommends adjusting the current fees with a 2.26% increase.

In response to President Stevens' inquiry about the next review, staff responded that it would be in five years (2016). General Manager Duerig added that every five years Zone 7 staff looks at the needs of the program as a whole. When connection fees come in, they pay for all the planned development-driven projects. The CIP is done every two years but the connection fee updates are done every five years.

Director Ramirez Holmes requested a copy of the 2011 connection fee report and the Annual Report on Collection and Use of Development Fees from December of last year. Staff responded that these would be provided.

Item 11 - Authority to Enter into a Tax-Exempt Revolving Line of Credit for the Reimbursement of Capital Projects

Mr. Hughes introduced an item regarding a Tax-Exempt Revolving Line of Credit (LOC) and said the proceeds will be used for a number of capital projects. A board-approved reimbursement resolution is needed if Zone 7 wants to finance capital projects on a tax-exempt basis and it serves as a declaration of an official intent to reimburse expenditures pursuant to Treasury Regulations Section 1.150-2. Projects include: Watershed Investments; DVWTP Superpulsator Rehab; DVWTP Chemical System Improvements; DWR Land Acquisition; DVWTP Clearwell Recoating; PPWTP Chemical Systems Improvements; Reach 1-7 Arroyo Las Positas Improvements @ Vasco; and SMMP Flood Facilities Land Acquisition - Chain of Lakes.

Staff also requested the authority to negotiate and execute an LOC with Wells Fargo Bank, the proceeds of which will fund several capital projects.

Director Palmer moved for approval and Director Quigley seconded the motion. A roll call vote was taken and the motion was passed 6-0-1 with Director Figuers absent.

Resolution 14-4305 The Board authorized the reimbursement of projects listed in the resolution from the Line of Credit (LOC).

Resolution 14-4306 The Board authorized the General Manager to negotiate and execute a Tax-Exempt Revolving Line of Credit with Wells Fargo Bank in an amount not to exceed \$31 million.

Item 12 - Committees - Zone 7/City of Pleasanton Liaison Committee - August 1, 2013 minutes.

Director Ramirez Holmes said the minutes, prepared by an outside source for the City of Pleasanton, needs to be corrected including attendees from Zone 7, Connie Cox's flood control comments under Public Comment instead of "none" and Zone 7 Board member comments made at the meeting.

President Stevens said that, in summary, Zone 7 directors and staff brought several issues to the attention of the meeting attendees. Director Palmer added that City of Pleasanton staff members appeared to understand but the members of the East Pleasanton Specific Plan Committee did not appear to be aware of those issues and limitations. Director Ramirez Holmes expressed her concern that because Zone 7's comments were not in the Liaison meeting minutes, those comments will not be heard.

Item 13 - Reports - Directors

a. Verbal comments by President

President Stevens gave a verbal report on the last LAFCo meeting regarding open space and agriculture. There will be a joint meeting between the Wine Growers Association and the Rangeland Association regarding Measure D (city not County), Open Space, and whether LAFCo should have a prime agriculture and open space policy. Residents of Doolan Canyon are asking for help because their wells are dry. President Stevens asked Ms. Duerig to direct staff to work with them to find emergency water because that is our job at Zone 7 and Livermore cannot help them because it is out of their growth boundary.

Ms. Duerig said Zone 7 has contracts with water haulers that can deliver Zone 7 water to their tanks. This happens on a routine basis but perhaps the Doolan Canyon residents are not aware of this option.

b. Written report by Director Quigley

c. Other Directors' Verbal Reports

Director Ramirez Holmes expressed her appreciation for Zone 7 hosting the Alameda County Chapter of the California Special District Association meeting on September 11, 2013. The focus was on water issues and presentations on Zone 7 and the Alameda Creek Watershed. Directors Greci and Quigley also attended.

Director Ramirez Holmes attended the Creek Clean-up and worked on the Altamont Creek area in collaboration with City of Livermore's Pam Lung and her husband. Director Ramirez Holmes noted plastic bags of pet excrement had been thrown in the creek and dog waste was along the trail so she suggested additional signage to curb these practices. There were 8 creek spots and 154 clean-up volunteers that worked the event. A tally sheet was kept and 1,736.5 gallons of trash and 235.6 gallons of recyclables from the creeks were collected; more trash than last year, less recyclables.

Director Quigley reported that he, too, was at the ACSDA meeting and complimented Zone 7's Tom Hughes on his presentation on Zone 7 to attendees, along with the presentation on the Alameda Creek Watershed by Paul Sethy, Board Member for Alameda County Water District. Director Quigley also participated in the cleanup for Robertson Park and was able to borrow a map of the Alameda Creek Watershed from the City of Livermore, which shows the route of where black water, gray water and trash goes.

Director Quigley reported that was part of an ACWA Region 5 phone conference on the December ACWA meeting in Los Angeles. Region 5 will be putting on a two-hour hard-hitting educational program and he was nominated to chair it. They decided on an overarching concept "Watershed investments - Coloring Outside the Box."

Item 14 - Items for Future Agenda - Directors

Item 15 - Staff Reports (Information items.)

- a. General Manager's Report
- b. Communications Outreach Activities
- c. Legislative Update
- d. Monthly Budget Report
- e. Verbal Reports

President Stevens asked Ms. Duerig to briefly update the Board about the Castlewood situation. Castlewood owns a portion of the Arroyo de la Laguna, which goes through the golf course and is adjacent to some of the homes. Last year there were issues when a pipe to the drinking water system failed. Either the slab or the pipe broke and caused undermining so December storms caused the concrete to mobilize. Zone 7 asked Castlewood to remove the concrete before this year's storms so we do not get flow blockage and cause upstream flooding and a dangerous situation to people and property upstream. The work will be done before October 15 when the permits run out. It was a real team effort by Zone 7 staff. The County manages a benefit assessment district for Castlewood, which pays for their water utilities so the County is also involved in this repair and contracted with the City of Pleasanton to operate the system. Castlewood should pay for it but Zone 7's standard flood maintenance program is to remove debris and our responsibility is to the people when debris starts impacting flows.

Director Quigley noted an item in the General Manager's staff report that quarrying of Lakes A & B could continue through 2058, 28 years longer than expected. In response to a request by Director Quigley that staff come back with options to accelerate this timeframe, President Stevens replied that Zone 7 has no control over it and the County approves the permits. Director Ramirez Holmes suggested this might be an opportunity to combine a status report and communicate the 2058 date to the public. Ms. Duerig said we will continue to do what we can to receive lakes as soon as possible but constraints, as outlined by President Stevens, are substantial.

Director Machaevich expressed three concerns regarding water quality and budget: 1) how Chromium 6 will impact the drinking water standard and affect Zone 7's budget; 2) how San Luis Reservoir will affect Zone 7 and budget; and 3) how backwashes from Del Valle, plus or minus, will affect the budget when DWR allows Zone 7 to blend water to improve the scenario. Is the water drastically different from last year?

Ms. Duerig replied that chemical costs have increased and there is additional cost of power to run the wells related to the filter clogging at Del Valle but she doesn't think those factors will have a drastic impact on the budget. San Luis Reservoir's levels are having a water quality impact but not loss of water. This year's low levels would mean more room for carryover but now pumping constraints can't move water through the Delta and fill up San Luis Reservoir. Chromium-6 might have the biggest impact on the budget if the 10 parts per billion standard is adopted and could have a huge impact on us in the next six to twelve months.

Director Machaevich asked about how to get more involved. Ms. Duerig assured him the Water Research Foundation did a treatment/cost study anticipating this standard being set and used Zone 7 wells as part of the study. This allows Zone 7 and others to provide detailed comments on the proposed standard.

Director Figuers returned and the board went back into closed session at 8:15 p.m.

Item 16 - Closed Session

- (a) Conference with Legal Counsel -- Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d) (2): 1 case.
- (b) Conference with Legal Counsel -- Potential litigation pursuant to Gov't Code section 54956.9(d) (3): 2 cases.
- (c) 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.
- (d) Conference with Real Property Negotiator:
Property: APNs 99-525-2, 99-550-2-3, 99-550-3-2, 99A-2700-2-5, 99A-2700-6-6, 99A-2700-9- 8, 99A-2700-10, 99A-2700-11-3, 99A-2700-12-6, 99A-2700-12-7, 99A-2420-4-13, 96-420-2, 96-420-3, 96-429-6, 99A-2701-1, 99A-2701-2, 99A-2701-3.
Agency negotiator: G.F. Duerig
Negotiating parties: Patliv; PTLM, Inc.; Henry H. Patterson Trust, and Charles Edwards Engs
Under negotiation: Price and terms of payment.

Item 17 - Open Session and Report Out of Closed Session

The Board came out of Closed Session at 9:10 p.m. President Stevens stated there was no reportable action taken in closed session.

Item 18 - Adjournment

The meeting was adjourned at 9:12 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: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: October 16, 2013

ITEM NO. 5a

SUBJECT: CONSIDER AMENDING STRATEGIC PLANNING PRIORITIES

SUMMARY:

During the Board Retreat on August 19, 2013, the board discussed the possibility of updating the Strategic Planning Priorities to provide some direction to staff on watershed protection in anticipation of the acquisition of additional watershed property in the Lake Del Valle area. At the retreat, no specific language was developed but the board referred the matter to the Water Resources Committee.

At the Water Resources Committee meeting on September 24, 2013, the committee further discussed and recommended adding the following priorities under “Provide customers with a reliable, cost-effective and safe water supply”:

- 1.15 Develop long-term balanced management of watersheds.
- 1.16 Manage the watershed to maintain and improve source water quality to protect public health and safety.

FINANCIAL:

There is no direct fiscal impact from adopting the proposed amendment.

RECOMMENDED ACTION:

Adopt attached resolution.

ATTACHMENT:

Resolution Amending Strategic Planning Priorities

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

A Resolution Revising the Zone 7 Water Agency Strategic Planning Priorities

WHEREAS, the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District most recently amended the Strategic Planning Priorities in October 2012; and

WHEREAS, the Board has expressed an interest in further amending the Strategic Planning Priorities to add the following priorities under “Provide customers with a reliable, cost-effective and safe water supply”:

- 1.15 Develop long-term balanced management of watersheds.
- 1.16 Manage the watershed to maintain and improve source water quality to protect public health and safety.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Zone 7 Water Agency that the “ZONE 7 WATER AGENCY STRATEGIC PLANNING PRIORITIES” are amended to include these additions.

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 October 16, 2013.

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: October 16, 2013

ITEM NO. **5b**

SUBJECT: Lease Agreement with City of Livermore for Solar Panel and Antenna for Cal Water Turnout No. 7

SUMMARY:

- Zone 7 has a project to modify its Cal Water Turnout No. 7 by replacing the flow meter and adding Supervisory Control and Data Acquisition (SCADA) to remotely monitor flow quantities.
- Adding SCADA requires an antenna and power source as well as right-of-way for its installation.
- The City of Livermore is agreeable to allowing Zone 7 to install an antenna with a solar panel to provide power to SCADA on a nearby light pole located along Concannon Boulevard.
- The use of City property would be through a ten-year lease, which includes an option for renewal for two five-year terms, all for a one-time lease execution charge of \$1,500.

FUNDING:

Funding for the execution fee is budgeted and available from Fund 120 - Renewal Replacement and System-Wide Improvements.

RECOMMENDED ACTION:

Adopt attached resolution authorizing the General Manager to negotiate and execute a Lease Agreement with the City of Livermore for Installation of a Solar Panel and Antenna.

ATTACHMENTS:

1. Memo providing additional background and discussion
2. Resolution
3. Location Map
4. Draft Lease Agreement

INTEROFFICE MEMO

Date: October 16, 2013
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Lease Agreement with City of Livermore for Solar Panel and Antenna for Cal Water Turnout No. 7

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

BACKGROUND:

Zone 7 has a project to modify its California Water Service Co. Turnout No. 7 (Cal Water Turnout No. 7) by replacing the flow meter and adding Supervisory Control and Data Acquisition (SCADA) equipment to remotely monitor flow quantities. The meter at Cal Water Turnout No. 7 is an older revenue meter and would be replaced by a new magnetic flow meter that would increase flow measurement accuracy. Adding a SCADA connection will allow operations staff to monitor the turnout flow at the treatment plants rather than through periodic manual inspection of the turnout meter.

Adding SCADA requires an antenna and power source as well as right-of-way for its installation. The turnout is located in Concannon Boulevard near the sidewalk. The City of Livermore is agreeable to allowing Zone 7 to install an antenna on a nearby light pole along with a solar panel to power SCADA equipment.

DISCUSSION:

The use of the City's property would be through a lease agreement that provides for the installation and maintenance of the solar panel and antenna. The lease would be for a term of ten years, renewable for two five-year terms at the option of Zone 7, with a one-time lease execution charge of \$1,500.

The lease is the economical option compared to acquiring rights from the privately-owned property just north of Concannon Boulevard known as Sunset Office Plaza. The owner of this property is currently seeking approval from the City to convert the property to a housing development. In addition, the cost for acquisition (easement or lease), including staff and consultant expenses, could be much greater than the \$1,500 one-time charge from the City.

RECOMMENDATION:

Staff recommends Board adoption of the attached resolution authorizing the General Manager to negotiate and execute the lease agreement with the City of Livermore on behalf of Zone 7.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Lease Agreement with the City of Livermore
for Solar Panel and Antenna for Cal Water Turnout No. 7**

WHEREAS, the City of Livermore owns the light pole located on Concannon Boulevard just east of Holmes Street that was identified by Zone 7 as a desirable location for the placement of a solar panel and antenna for the California Water Service Co.'s Turnout No. 7; and

WHEREAS, the City has prepared a Lease Agreement to allow Zone 7 to install said solar panel and antenna on a City light pole for a one-time execution charge of \$1,500 for a term of ten years with no-cost options for Zone 7 to renew for two additional five year terms.

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 Lease Agreement with the City of Livermore for Installation and Maintenance of Solar Panel and Antenna for Cal Water Turnout No. 7 consistent with these terms.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

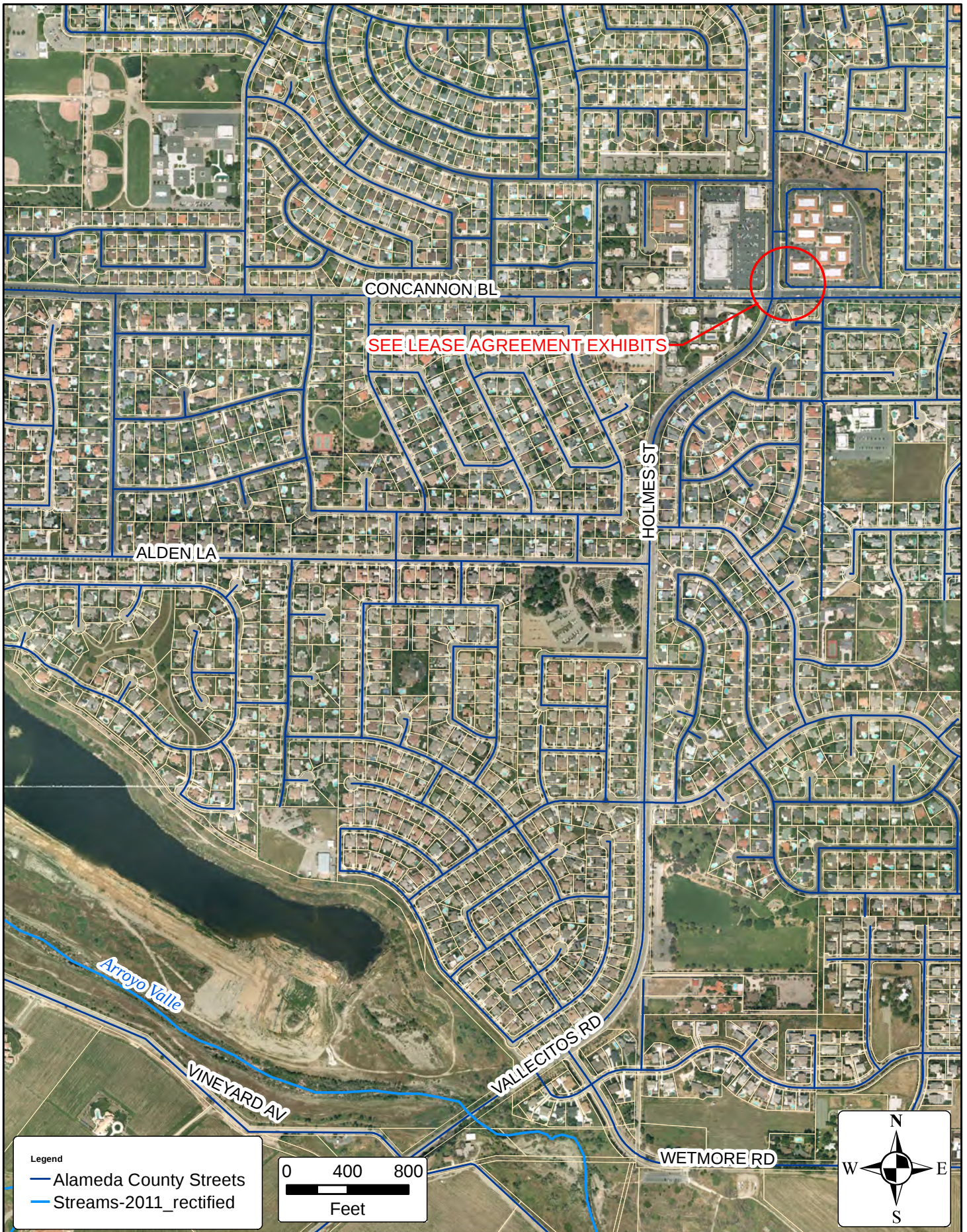
NOES:

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 October 16, 2013.

By _____
President, Board of Directors



	ZONE 7 WATER AGENCY 100 North Canyons Parkway Livermore, CA	DRAWN: BW REVIEWED: DG File:	SCALE: AS SHOWN DATE: 10/08/2013 revised 10/09/13 sje FIGURE #	Zone 7 Lease with Livermore for CalWater T/O 7 Solar Panel LOCATION MAP
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**LEASE FOR INSTALLATION OF A SOLAR PANEL
AND ANTENNA ON CITY LIGHT FIXTURE**

**Between the City of Livermore and Zone 7 of Alameda County
Flood Control and Water conservation District**

**For installation of solar panel on City light fixture located at
Concannon Blvd. and Holmes Street**

THIS LEASE AGREEMENT is made as of this 24 day of September, 2013 ("Effective Date"), by and between the City of Livermore ("City"), a municipal corporation, having its principal place of business at 1052 South Livermore Avenue, Livermore, CA 94550, and the Alameda County Flood Control and Water Conservation District, Zone 7 ("hereinafter Zone 7"), having its principal place of business at 100 North Canyons Parkway, Livermore, CA 94551.

Recitals

The City owns that particular piece of real property located at the Southeast corner of Concannon Boulevard and Holmes Street, Livermore, California 94550 ("Property"). The Property is currently within a City owned sidewalk, and was identified in the Policy as a desirable location for the placement of a solar panel and antenna.

On December 13, 2010, the City adopted a policy for leasing City-owned property for wireless telecommunication facilities ("Policy") (Resolution no. 2010-201, Policy Proposal 10-003).

On January 10, 2011, the City adopted Ordinance no. 1927 (General Zoning Text Amendment No. 10-398) to regulate the permit processing, location, and design of wireless telecommunications facilities.

Zone 7 desires to lease a portion of the Property from the City to install a solar panel and antenna (to be clamped and not drilled) onto a City light pole located on Concannon Blvd. near the Southeast corner of Concannon Blvd. and Holmes Street (See Facility Map Attachment A) for remote flow metering capability at Zone 7's Turnout No. 7 with California Water Service. The City desires to lease a portion of the Property to Zone 7 for that purpose.

Zone 7 has applied for and obtained a required encroachment permit for a solar panel and antenna on a City light pole ("Entitlements").

Agreement

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

1. Recitals. The aforementioned recitals are true and correct.
2. Leased Premises. Subject to the terms and conditions herein, the City leases to Zone 7, and Zone 7 leases from the City, a 2 ft² portion of the Property, the specific location of which is

identified in Attachment "A" ("Facility Map"), to install, maintain, and operate a facility for its System. The facility shall consist of the following equipment: one small solar panel (12 inches x 12 inches) and one small antenna. This equipment will be mounted on one City light pole (collectively "Equipment").

3. Limited Right of Access. Concurrent with the term of this Lease, the City also allows Zone 7 access over, in, and across the Property to the Leased Premises by the most direct means possible that does not intrude or interfere with the Property's purpose or its use by the City, any agency operating or maintaining the Property for the City, or any tenant occupying a portion of the Property prior to the effective date of this Lease Agreement. The City may, in its discretion, specify Zone 7's access path to the Leased Premises. The right of access is limited to Zone 7, its employees, agents and designated representatives, and is expressly conditioned upon compliance with all terms and conditions of this Lease Agreement.

4. Term. The lease term shall be for 10 (ten) years commencing on October 1, 2013, and terminating September 30, 2023 ("Initial Term"). Zone 7 has the option to extend the term of this Lease for 2 additional 5 (five) year term(s) after the Initial Term expires ("Extended Term") by giving City notice no later than ninety (90) calendar days before the Initial Term expires. However, Zone 7 may not exercise the extension option if it is in material default of this Lease Agreement.

5. Payments and Deposits.

(a) Lease Execution Charge. Upon execution of this Lease Agreement, Zone 7 shall pay to the City the amount of Fifteen Hundred Dollars (\$1,500.00) as a one-time Lease Execution Charge.

6. Use of Leased Premises. Zone 7's use of the Leased Premises is limited to the installation, maintenance, and operation of a solar panel and antenna facility in compliance with this Agreement and the conditions of approval in the Entitlements, which are incorporated into this Lease Agreement by reference as though set forth in full.

(a) All apparatuses shall be mounted not drilled into the City light pole.

7. Rules. Zone 7 agrees to comply with the following rules for the use of the Leased Premises, and such other changes or rules as may be imposed by the City from time-to-time after reasonable written notice thereof:

(a) Zone 7 shall comply with all terms and conditions of approval in the Entitlements;

(b) Zone 7 shall not allow or authorize the Leased Premises, or any part thereof, to be used in violation of the statutes, laws, rules and regulations of the United States of America, the State of California, the City of Livermore, or any other lawful authority with jurisdiction over the use or the Leased Premises;

(c) Zone 7 shall maintain the Leased Premises and its Equipment in a neat and clean condition.

(1) Zone 7 shall remove all graffiti and repair any vandalism to the Equipment and Leased Premises within seventy-two (72) hours of its discovery or the delivery of a notice of its existence by the City to Zone 7;

d) Zone 7 shall comply with such rules of access as the City may impose based the Property's use and function.

8. Zone 7's Responsibilities.

(a) Engineering. Zone 7 is responsible for conducting its own engineering and analysis of the Equipment and the Leased Premises to ensure that the solar panel facility is designed to meet its needs.

(b) Governmental Approvals. Zone 7 shall comply with all applicable requirements, rules, regulations, including environmental and workplace safety requirements, related to installation, operation, and maintenance of the facility. Zone 7 expressly acknowledges that the City is not responsible for obtaining or maintaining any necessary governmental approvals on behalf of Zone 7 for the solar panel.

(c) Utilities. Zone 7 is responsible for obtaining utility connections for the Equipment and the solar panel facility. Zone 7 may install over, in, and across the Property such cables, wires, or pipes reasonably necessary to deliver utility services to the Leased Premises ("Service Lines"), in a manner that does not interfere with the City's use or operation of the Property. Zone 7 must obtain the City's prior written approval for the design and location of the Service Lines before they are installed. In its discretion, the City may require Zone 7 to redesign or relocate the Service Lines, or to connect to existing services.

(d) Physical Interference. Zone 7's installation, maintenance, and operation of the Equipment and Service Lines for the solar panel and antenna, as well as its access to the Leased Premises, shall not interfere with the City's use or operation of the Property.

(e) Routine Maintenance and Repair. Zone 7 may perform routine maintenance for the solar panel facility without the City's prior written approval. The phrase "routine maintenance and repair" means work performed on the solar panel facility to make it function and that can be completed in less than eight (8) hours. All other work requires the City's prior written approval consistent with subsection (h) immediately below.

(f) Prior Written Approval for Work. Zone 7 shall not replace, upgrade, or otherwise change the solar panel facility, or Leased Premises, or perform non-routine maintenance and repair, without the City's prior written approval. Zone 7 agrees that prior to construction of a new solar panel, or the demolition, replacement, upgrade, or other alteration to the Equipment, or the Leased Premises, it shall provide details of the proposed scope of work to the City for review and approval and obtain the necessary permits from the appropriate regulatory bodies.

(g) Repair and Restoration.

(1) Damaged Improvements. If Zone 7 damages asphalt, pavement, sidewalks, driveways, landscaping, irrigation, utility facilities, structures, or other improvements on the Property or the Leased Premises, Zone 7 shall replace, repair, or

restore such improvements to as close to their original condition as is reasonably possible. The restoration work must comply with all applicable ordinances and regulations. In the event Zone 7's damage necessitates an immediate repair by the City, or any agency operating or maintaining the Property for the City, to either protect the Property or the public's health, safety, or welfare, the City will give Zone 7 notice of the damage, the circumstances requiring immediate repair, and the work be completed for the repair, and Zone 7 shall then reimburse the City, or the agency operating or maintaining the Property for the City, for the repair costs.

(2) The City will not be responsible for repair or replacement of Solar Panel, should the light pole sustain any damage.

(3) Restoration Upon Termination. Upon termination of this Lease Agreement, Zone 7 shall remove the solar panel and antenna, and restore the Property and Leased Premises to as close to their original condition as is reasonably possible. The restoration work must comply with all applicable ordinances and regulations. Zone 7 may satisfy its obligation to remove the Equipment if the City approves the abandonment of Zone 7's Equipment and facilities in place consistent with subsection (j) below.

(4) Restoration Maintenance. Zone 7 shall maintain all such restoration for a period of one (1) year following the date the City acknowledges satisfactory completion of the work.

(h) Surrender of Leased Premises; Abandonment in Place. Upon the expiration or termination of this Lease Agreement, Zone 7 shall surrender the Leased Premises to the City, remove the solar panel and antenna and any service lines, and restore the Property and Leased Premises to as close to their original condition as is reasonably possible and approved by the City Engineer.

13. Assignment. The assignment of this Lease Agreement, or any part thereof, is prohibited without the City's prior written approval. Zone 7 shall not allow any other person or entity to occupy or use all or any part of the Leased Premises, without first obtaining the City's prior written approval.

In order to obtain the City's prior written approval, the proposed assignee, occupant, or user must demonstrate to the City's satisfaction that it possesses the legal, financial and technical qualifications necessary to perform all the terms, conditions and obligations under this Lease Agreement for the remaining term thereof, and that the assignment does not overburden the Leased Premises.

14. Encumbrance. Zone 7 shall pay, or cause to be paid, all costs and expenses for work done by it, or caused to be done by it, on the Leased Premises of a character which will or may result in any lien on the Property. Likewise, Zone 7 shall keep the Property free and clear of any mechanic's lien or other lien on account of work done for it or at its request. Should any claims of lien be filed and/or recorded against the Property, or any action affecting the title thereto commenced, Zone 7 shall give the City written notice as soon as it has knowledge thereof

15. Indemnity. Zone 7 shall defend, indemnify and hold the City, its elected officials, officers, directors, employees, agents, and designated volunteers, as well as any other

agency operating or maintaining the Property for the City or tenant occupying the Property that is designated by the City, harmless from and against any and all loss, liability, damage, including but not limited to reasonable attorney, consultant and expert fees, and court costs arising out of or in connection with this Lease Agreement, Zone 7's installation, operation and maintenance of the wireless telecommunications facility, and its use of the Leased Premises, except for the gross negligence and willful misconduct of the City, its elected officials, officers, directors, employees, agents, and designated volunteers.

16. Insurance. Zone 7 shall procure and maintain insurance during the term of this Lease Agreement in the amounts and under the terms set forth in Exhibit "B" against claims that may arise from or in connection with this Lease Agreement and the installation, maintenance, and operation of the solar panel and antenna facility on the Leased Premises. Upon reasonable written notice, Zone 7 shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by City's Risk Manager.

17. Entry by City. Zone 7 shall permit the City and its designees to enter into and upon the Leased Premises upon reasonable notice for the purpose of inspecting the Leased Premises, enforcing the rules and regulations under this Lease Agreement, and the posting of such legal notices as the City may deem necessary or convenient.

18. Default. In the event Zone 7 fails to perform any obligation under this Lease Agreement, or violates any term or condition, the City shall deliver written notice of the default to Zone 7. If Zone 7 fails to cure the default within thirty (30) days of the written notice, or has failed to initiate a corrective action within that time period for a cure that reasonably takes more than thirty (30) days to complete and fails to complete the corrective action within sixty (60) days, then the City is entitled to all remedies and means to correct the default, both legal and equitable, terminating this Lease Agreement, and such other remedies as may be available. All of the remedies permitted or available under this Lease Agreement, or at law or in equity, shall be cumulative and alternative, and the invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other available right or remedy.

19. Notices. Wherever in this Lease Agreement it shall be required or permitted that notice or demand be given or served by either party to this Lease to or on the other, such notice or demand shall be given or served in writing and forwarded by registered mail, addressed as follows:

City:

City of Livermore
1052 South Livermore Avenue
Livermore, California 94550
Property Manager

Copy to for City:

Cheri Sheets
City Engineer

Zone 7:

G. F. Duerig
General Manager
100 N. Canyons Parkway
Livermore, CA 94551

Either party may change such address or contact person by written notice by registered mail to the other.

20. Modification. This Lease Agreement may only be modified or amended by written agreement signed by both parties. However, the length of the Initial Term and the Extended Term, and the number of extensions, cannot be modified

21. General Provisions.

(a) Time of Essence. Time is of the essence of each provision of this Lease Agreement.

(b) Relationship of the Parties. Nothing contained in this Lease Agreement shall be deemed or construed by the parties or by a third party to create the relationship of principal and agent, and/or of partnership, and/or of joint venture, and/or of any association between the parties, other than the relationship as lessor and lessee.

(c) Entire Agreement. This Lease Agreement supersedes all other agreements, whether oral or written, between the parties with respect to the lease of the Leased Premises. However, nothing in this Lease Agreement modifies the Entitlements. In the event the original of this Lease Agreement is lost or destroyed, an archival copy maintained by the City can be used in place of the original for all purposes with the same effect as if it was the original.

(d) Construction of Language. The terms and conditions in this Lease Agreement have been arrived at through negotiation and each party had a full and fair opportunity to review and revise this Lease Agreement with legal counsel. Any ambiguity in this Lease Agreement will not be resolved against either party as the drafting party. In the event of an inconsistency or conflict between the language in the body of the Lease Agreement and an attachment hereto, the language in the body of the Lease Agreement controls. However, nothing in this Lease Agreement modifies the Entitlements.

(e) Partial Invalidity. If any provision or portion of this Lease Agreement shall be deemed invalid by a court of competent jurisdiction, it is agreed that such invalidity shall affect only such provision or portion thereof, and the remainder of this contract shall remain in force and effect.

(f) California Law. This Lease Agreement shall be governed by and construed in accordance with the laws of the State of California.

(g) Performance Excused. The parties shall be excused from performance, as hereunder agreed to, if such performance is rendered impossible, impractical, or unreasonably difficult by, but not limited to, any strike, lockout, labor disturbance of any kind, civil commotion, war, acts of terrorism, shortage of any supply or labor, shortage of water, weather, Act of government authority, enactment or change in laws or regulations, breakdown of facilities or any cause outside of the Parties' control.

(h) Mutual Termination. This Lease Agreement may be terminated at any time concerning the rights and responsibilities of the parties who, between them, agree to such a termination.

(i) Captions. The captions of this Lease Agreement shall have no effect on its interpretation.

(j) Memorandum of Lease. The City agrees upon request to execute a memorandum or "short form" of this Lease Agreement, or abstract of lease, for the purpose of recording.

(k) Waiver. A term or condition of this Lease Agreement may be waived at any time by the party entitled to the benefit thereof, but no such waiver shall affect the right of the waiving party to require observance, performance or satisfaction either of that term or condition as it applies on a subsequent occasion or of any other term or condition. Zone 7 shall not be excused from complying with any of the terms and conditions of this Lease Agreement by any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

(l) Attachments. All attachments referred to in and attached to this Lease Agreement are incorporated by reference as though set forth in full.

(m) Attorney's Fees and Costs. If either party commences an action against the other party to enforce this Lease Agreement, the prevailing party is entitled to reasonable attorney's fees, costs of suit, investigation costs and discovery costs, including costs of appeal.

IN WITNESS WHEREOF, the parties to this Lease have executed this Lease effective as of the date first stated above.

Date:

ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
"ZONE 7"

By:

G.F. Duerig, General Manager

ATTEST:

APPROVED AS TO FORM:

Date:

Date:

9/24/13

CITY OF LIVERMORE

By:


Marc Roberts
City Manager

Date:

APPROVED AS TO FORM:

By:

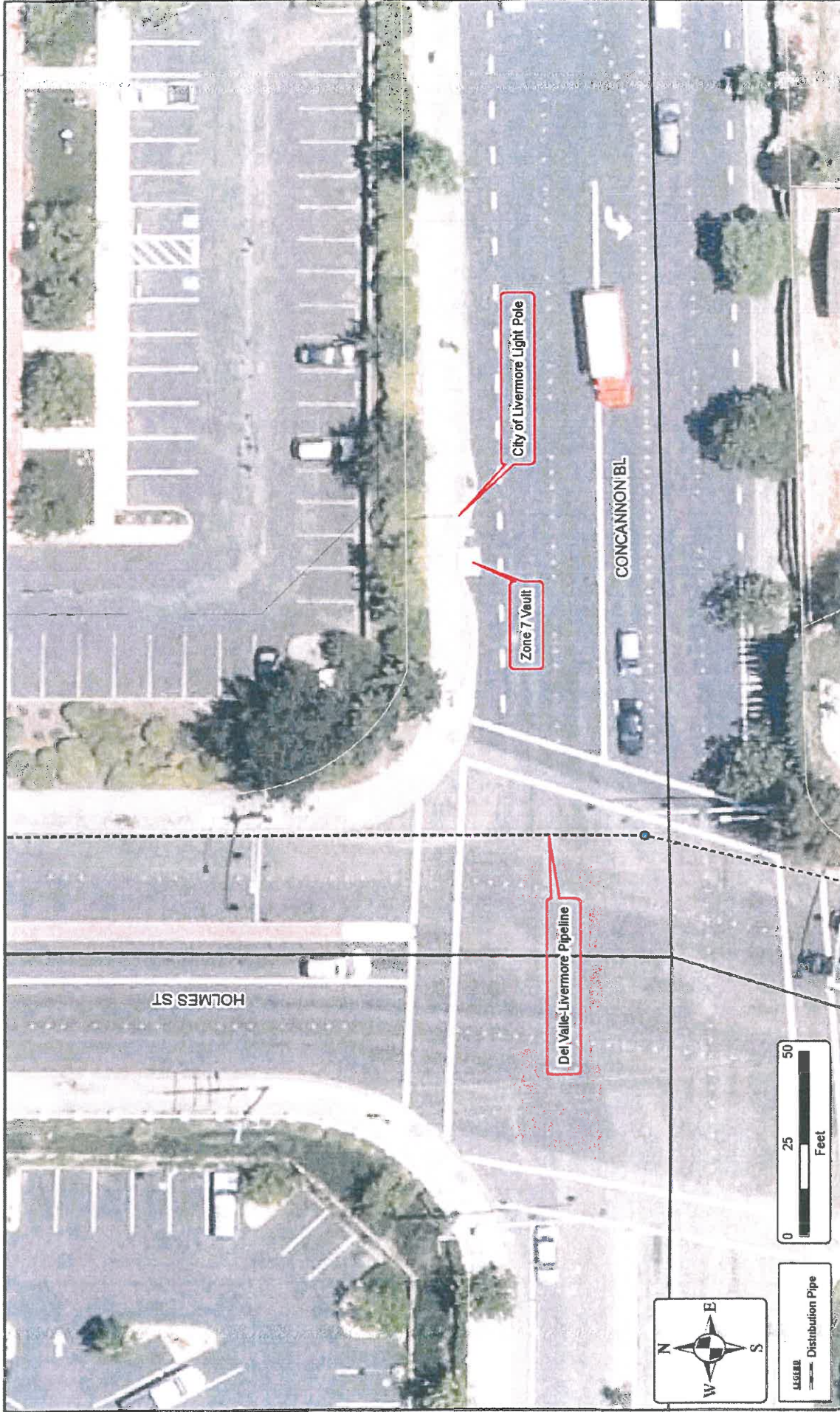
 
Assistant City Attorney

Attachments:

- A. Facility Map Zone 7 Turnout
Lease premises/ pole location
Clamp Schematic Diagram
- B. Insurance Requirements

Attachment A

LEASED PREMISES



	ZONE 7 WATER AGENCY 100 North Canyons Parkway Livermore, CA		DRAWN: BW REVIEWED: JK FILE: EGIS Program/Facilities Map 11x17 2011	Facility Map Zone 7 Turnout (CWS #7)	
				SCALE: AS SHOWN	DATE: 06/03/2013



Attachment B

INSURANCE REQUIREMENTS

Zone 7 shall procure and maintain for the duration of the Lease Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Zone 7, its agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
2. Insurance Services Office form number CA 0001 covering Automobile Liability, code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
4. Insurance Services Offices Property Broad Cause of Loss (form CP 10 20). (To be used if project award Funds are used for purchase of or remodeling of structure.)

Minimum Limits of Insurance

Zone 7 shall maintain limits no less than:

1. General Liability, including operations, products and completed operations, as applicable:
\$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:
\$1,000,000 per accident for bodily injury and property damage.
3. Employer's Liability:
\$1,000,000 per accident for bodily injury or disease.
4. Property Insurance: 100% of the replacement value with no coinsurance penalty provision. (To be used if project award Funds are used for purchase of or remodeling of structure.)

Deductibles and Self-Insured Retention

Any deductibles or self-insured retention must be declared to and approved by the City of Livermore. At the option of the City of Livermore, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City of Livermore, its officers, officials, employees and volunteers; or Zone 7 shall provide a financial guarantee satisfactory to the City of Livermore guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Other Insurance Provisions

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Livermore, its officers, officials, employees and designated volunteers, as well as any other agency operating or maintaining the Property for the City or tenant occupying the Property that is designated by the City, are to be covered as insureds as respects: liability arising out of activities performed by or on behalf of Zone 7; or automobiles owned, leased, hired or borrowed by Zone 7. The coverage shall contain no special limitations on the scope of protection afforded to the insureds.
2. For any claims related to this project, Zone 7's insurance coverage shall be primary insurance as respects the City of Livermore, its officers, officials, employees and volunteers, as well as any other agency operating or maintaining the Property for the City or tenant occupying the Property that is designated by the City. Any insurance or self-insurance maintained by the City of Livermore, its officers, officials, employees or volunteers, and any other agency operating or maintaining the Property for the City or tenant occupying the Property that is designated by the City, shall be excess of Zone 7's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policy including breaches of warranties shall not affect coverage provided to the City of Livermore, its officers, officials, employees or volunteers, or any other agency operating or maintaining the Property for the City or tenant occupying the Property that is designated by the City.
4. Zone 7's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City of Livermore.

The Property Insurance policy shall include the City as an insured and as loss payee on any insurance. The City shall not be liable for any consequential loss sustained by Zone 7. City shall not be liable for any loss of Zone 7's property.

Acceptability of Insurers

If the insurance company providing coverage is licensed to do business in the State of California, the company shall have an A.M. Best rating of not less than A:VII. If the insurance company is not licensed to do business in California, the A.M. Best rating shall be not less than A+:X.

Verification of Coverage

Zone 7 shall furnish the City of Livermore certificates of insurance and endorsement(s) effecting coverage to the City of Livermore for approval. The endorsements shall be on forms acceptable to the City of Livermore. All certificates and endorsements are to be received and approved by the City of Livermore before work commences.



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: October 16, 2013

ITEM NO. **5c**

SUBJECT: License Agreement with DSRSD for Landscaping Along Line G-1-1 Channel

SUMMARY:

- Dublin San Ramon Services District (DSRSD) has a landscaping project to screen their Wastewater Treatment Plant (WWTP) in Pleasanton from nearby neighbors and Val Vista Park.
- The WWTP perimeter has limited area available to plant trees, which has resulted in a request from DSRSD to use the adjacent Zone 7 channel area.
- DSRSD and Zone 7 staffs have worked together, in collaboration with Pleasanton residents, to develop a plan that would provide the screening with minimum risk of damaging the channel from the landscaping and its associated irrigation.
- DSRSD staff and Zone 7 staff have negotiated a draft License Agreement wherein DSRSD will repair any damage that may be caused by the Landscaping project. In addition, because the project has benefits to the public and environment, the License does not require DSRSD to pay any rent or other charges.

FUNDING:

There is no funding impact as a result of this License Agreement.

RECOMMENDED ACTION:

Adopt the attached resolution authorizing the General Manager to negotiate and execute the License Agreement with DSRSD.

ATTACHMENTS:

Memo providing additional background and discussion
Resolution
Location Map
Draft License Agreement

INTEROFFICE MEMO

Date: October 16, 2013
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: License Agreement with DSRSD for Landscaping Along Line G-1-1 Channel

BACKGROUND:

Dublin San Ramon Services District (DSRSD) has a landscaping project to screen their Wastewater Treatment Plant (WWTP) in Pleasanton from nearby neighbors and Val Vista Park. During the approval process for the WWTP expansion in 1999, DSRSD committed to the residents of the Val Vista neighborhood to install perimeter landscaping. The first part of this landscaping project was recently completed with the relocation of the PG&E overhead power lines along the plant boundary to allow for planting the trees along the plant perimeter area.

DISCUSSION:

The WWTP perimeter has limited area to plant trees, which has resulted in a request from DSRSD to use the adjacent Zone 7 channel area. DSRSD staff and Zone 7 staff have worked together, in collaboration with Pleasanton residents, to develop a plan that would provide the screening with minimum risk to the channel from the landscaping and associated irrigation.

The new plants would be lightly irrigated until established after which time (approximately three years) the irrigation system would be abandoned or removed. The plants would be drought-tolerant, primarily natives, including Coast Live Oak, Coffeeberry, Manzanita and Prickly Melaleuca. Recycled water will be used to irrigate the plants. The trees will be planted in the top of bank area, which will be graded to drain toward the WWTP site and not toward the channel. This will reduce the chance of any overbank erosion from an irrigation line break and reduce the possibility that the recycled water would enter the channel waters, which is not permitted by the Regional Water Quality Control Board.

DSRSD staff and Zone 7 staff have negotiated a draft License Agreement. The License does not have a termination date but may be terminated by either party by providing 90 days' notice. Final plans for the landscaping require approval by Zone 7 prior to installation. In the event the landscaping results in any damage to the channel, DSRSD will repair the channel at no cost to Zone 7. Because DSRSD's WWTP facilities are located near the channel, DSRSD has an interest in keeping the channel banks in good repair. Because the project has benefits to the public by screening the WWTP and to the environment by adding native vegetation along the channel, no payment of any rent or other charges from DSRSD is required under the License Agreement.

RECOMMENDATION:

Staff recommends that the Board authorize the General Manager to negotiate and execute the License Agreement with DSRSD.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

License Agreement with DSRSD for Landscaping Along Line G-1-1 Channel

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 License Agreement between the Dublin San Ramon Services District and Zone 7 of the Alameda County Flood Control and Water Conservation District for installation and maintenance of landscaping along Line G-1-1.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

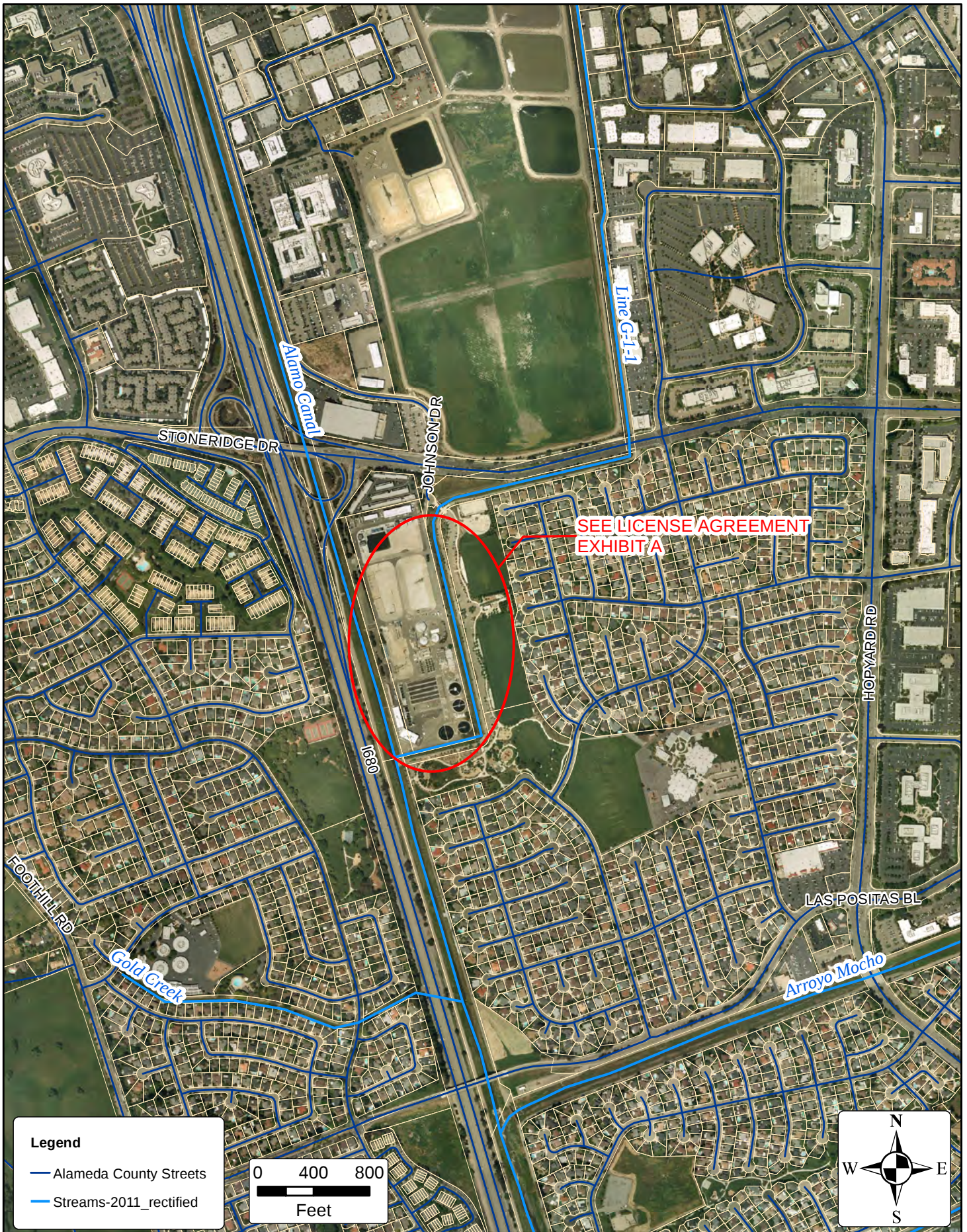
NOES:

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 October 16, 2013.

By: _____
President, Board of Directors



Legend

- Alameda County Streets
- Streams-2011_rectified

0 400 800
Feet



ZONE 7 WATER AGENCY
100 North Canyons Parkway
Livermore, CA

DRAWN: BW

REVIEWED: DG

File:

SCALE: AS SHOWN

DATE: 10/08/2013
revised 10-09-13 sjg

FIGURE #

DSRSD License
Line G-1-1 Landscaping
LOCATION MAP

LICENSE AGREEMENT

This License Agreement (hereinafter “LICENSE”), is made and entered into by and between the Dublin San Ramon Services District, a public agency of the State of California (hereinafter “DSRSD”) and Zone 7 of Alameda County Flood Control and Water Conservation District, a body corporate and politic (hereinafter “ZONE 7”).

RECITALS

- A. ZONE 7 owns real property in the City of Pleasanton, County of Alameda, State of California, in which its Line G-1-1 channel is located, hereinafter known as “FLOOD CONTROL CHANNEL”;
- B. The FLOOD CONTROL CHANNEL abuts the easterly, southerly and westerly sides of the DSRSD Wastewater Treatment Plant, hereinafter known as “PLANT SITE”;
- C. In order to improve the aesthetics of the PLANT SITE, DSRSD desires to install landscaping, including irrigation and other related appurtenances, hereinafter referred to as “LANDSCAPING,” around the perimeter of the PLANT SITE and within portions of the FLOOD CONTROL CHANNEL as shown in Exhibit A attached hereto and made a part hereof;
- D. DSRSD and Zone 7 desire to formalize and establish the terms and conditions governing the installation and maintenance of the LANDSCAPING; and
- E. ZONE 7 is agreeable to allowing DSRSD to use the FLOOD CONTROL CHANNEL to the extent not in conflict with ZONE 7’s use of the property for Flood Control purposes, and therefore ZONE 7 hereby grants to DSRSD a non-exclusive LICENSE for said use of the FLOOD CONTROL CHANNEL upon the following terms and conditions.

NOW, THEREFORE, BE IT MUTUALLY AGREED as follows:

- 1. PERMITTED USE. Subject to the terms of this LICENSE, DSRSD is permitted to install and maintain LANDSCAPING as shown on Exhibit A in the FLOOD CONTROL CHANNEL including the right of ingress and egress thereto.
- 2. LICENSE FEE. This LICENSE shall not require payment of any fees by DSRSD to Zone 7 for which this LICENSE is issued.
- 3. TERMINATION OF LICENSE. Either party may terminate this LICENSE by providing 90 days’ notice to the other party and removing the LANDSCAPING from the FLOOD CONTROL CHANNEL. This LICENSE is also subject to termination for Violations of Permitted Use as set forth in Section 5 of this LICENSE.
- 4. CONDITIONS OF USE:
 - a) ZONE 7 shall retain all reasonable and necessary rights of entry to the subject FLOOD CONTROL CHANNEL, including the right to alteration, repair, maintenance, and operation for flood control and water management purposes. Use of the FLOOD CONTROL CHANNEL by DSRSD, shall be at all times subject to the primary use of the

aforesaid FLOOD CONTROL CHANNEL for flood control and water management purposes.

- b) DSRSD shall obtain and comply with all required permits, agreements and/or regulatory approvals relating to the improvement and maintenance of LANDSCAPING including all federal, state, or local government requirements. This requirement includes compliance with CEQA as well as any necessary construction or use permits, including any progress inspections that may be required by any regulatory body.
- c) Prior to installation of any landscape improvements, DSRSD shall submit plans and specifications and any related documents required in Section 4.c) to ZONE 7 for review and approval. The LANDSCAPING shall not be installed by DSRSD without first securing an encroachment permit from ZONE 7 which shall be issued at no cost to DSRSD. The issuance of said permit shall not be unreasonably withheld and said permit shall be issued unless ZONE 7, in its sole discretion, determines that such LANDSCAPING would interfere with the primary use of said areas for flood control and water management purposes
- d) DSRSD agrees to accept this LICENSE to the FLOOD CONTROL CHANNEL on an “as-is” basis, and ZONE 7 has no obligation for maintenance or repair of LANDSCAPING, excepting only such damage caused to DSRSD’s LANDSCAPING as a result of the sole active negligence or willful misconduct of ZONE 7 and/or its contractors when such actions were not necessary for the use of the property for flood control purposes.
- e) The FLOOD CONTROL CHANNEL is subject to slides, erosion, subsidence, flooding and other damages. In the event that the LANDSCAPING in the FLOOD CONTROL CHANNEL is impacted by such damages, ZONE 7 will make its best efforts to repair ZONE 7’s facilities to ZONE 7 standards; however, such repairs will be subject to available funding and other maintenance priorities as determined by ZONE 7 in its sole discretion. Repair of damage to LANDSCAPING shall be the responsibility of DSRSD and at DSRSD’s sole cost.
- f) In the event the LANDSCAPING, including but not limited to its installation or maintenance thereof, causes any damage to the FLOOD CONTROL CHANNEL, DSRSD shall restore the FLOOD CONTROL CHANNEL to the pre-damage condition to the reasonable satisfaction of ZONE 7 at DSRSD’s sole cost and expense.
- g) In the performance of routine maintenance and/or emergency repair activities ZONE 7 will exercise reasonable care to avoid removal or damage to the LANDSCAPING, and DSRSD, at its sole cost, shall be responsible for any reinstallation, repair or reconstruction work, excepting ZONE 7 shall be responsible for damage caused to the LANDSCAPING as a result of ZONE 7 and/or its contractors' sole active negligence or willful misconduct.
- h) DSRSD agrees to give ZONE 7 reasonable notice of any activities that may conflict with ZONE 7’s maintenance of its flood control channel, unless immediate action is necessary to preserve public safety, in which case notice of DSRSD’s activity shall be provided to Zone 7 as soon as practical.

5. Violations of Permitted Use. Should DSRSD, its employees, contractors, subcontractors or agents, install or maintain any LANDSCAPING in violation of the terms of this LICENSE, or in violation of any of the approvals granted hereunder, ZONE 7 may direct DSRSD, at DSRSD's sole cost, to remove the LANDSCAPING from the FLOOD CONTROL CHANNEL or to take other remedial action, as ZONE 7 may, at its sole discretion, determine to be reasonably appropriate. DSRSD shall be afforded a period of thirty (30) days within which to cure any such violations and comply with ZONE 7's directive. In the event DSRSD fails to cure within the above-stated period or immediate action is necessary to preserve public safety, ZONE 7 shall have the right to take any and all remedial actions necessary to correct the violation or to restore the FLOOD CONTROL CHANNEL, and DSRSD shall reimburse ZONE 7 for all costs reasonably associated therewith. ZONE 7, as it reasonably determines, may extend the period as may be necessary to cure the default, provided that DSRSD has commenced the cure within the thirty (30) day period.
6. ASSIGNMENT. DSRSD may not assign any of its rights, duties and liabilities under this LICENSE without the written permission of ZONE 7.
7. ACKNOWLEDGMENT OF TITLE. It is understood and agreed that DSRSD, by the acceptance of this LICENSE and by the use or occupancy of the FLOOD CONTROL CHANNEL, has not acquired and shall not acquire hereafter any property rights or interest in or to the FLOOD CONTROL CHANNEL through this LICENSE, and that DSRSD may use the FLOOD CONTROL CHANNEL only as herein provided.
8. INDEMNITY. To the extent of its proportionate fault, DSRSD shall indemnify, defend, reimburse and hold harmless Alameda County, ZONE 7, its officers, agents and, employees (collectively, for purposes of this section 8, "Indemnitees") from and against any and all demands, claims, legal or administrative proceedings, losses, costs, penalties, fines, liens, judgments, damages and liabilities of any kind (collectively, "Liabilities"), arising in any manner out of: (a) any injury to or death of any person or damage to or destruction of any property occurring in, on or about the FLOOD CONTROL CHANNEL, or any part thereof, whether the person or property of DSRSD, its officers, agents, employees, contractors and subcontractors (collectively, "Agents"), its invitees, guests or business visitors (collectively, "Invitees"), relating in any manner to any use or activity under the LICENSE and modifications thereto; (b) any failure by DSRSD to faithfully observe or perform any of the terms, covenants or conditions of this LICENSE or (c) the use of the FLOOD CONTROL CHANNEL or any activities conducted thereon by DSRSD, its Agents or Invitees. This provision applies except to the extent of Liabilities resulting directly from the negligence or willful misconduct of Indemnitees.

The foregoing indemnity shall, pursuant to Civil Code section 2778 include, without limitation, reasonable attorneys' and consultants' fees, investigation and remediation costs and all other reasonable costs and expenses incurred by the Indemnitees. DSRSD shall have an immediate and independent obligation to defend ZONE 7 from any claim which actually or potentially falls within this indemnity provision even if such allegation is or may be groundless, fraudulent or false, which obligation arises at the time such claim is tendered to DSRSD by ZONE 7 and continues at all times thereafter. DSRSD's obligations under this Condition shall survive the expiration or termination of the LICENSE and modifications thereto.

9. WAIVER OF CLAIMS. DSRSD fully releases, waives, and discharges forever any and all claims, demands, rights and causes of action against, and covenants not to sue, Indemnitees, under any present or future laws, statutes, or regulations: (a) for any claim or event relating to the condition of the FLOOD CONTROL CHANNEL or DSRSD's use of the FLOOD CONTROL CHANNEL; or (b) in the event that ZONE 7 exercises its right to suspend, revoke or terminate the LICENSE.
10. INSURANCE REQUIREMENTS. During the term of this License DSRSD shall include Alameda County and ZONE 7 as an additional insured on its insurance policies covering the LANDSCAPING, including Commercial General Liability, Auto Liability and Workers Comp or its equivalent in self-insurance coverage, in an amount deemed reasonable to cover the foreseeable liabilities of ZONE 7, and shall furnish ZONE 7 with original policy endorsements from its contractors naming ZONE 7, its governing Board of Directors, committees, officers, employees and agents, as additional insureds. DSRSD shall be responsible for requiring insurance coverage by its contractors and consultants. DSRSD and ZONE 7 shall determine the amount and adequacy of such coverage.

The procuring of the above-mentioned policies of insurance shall not be construed as a limitation in any respect on DSRSD's obligations of indemnification herein.

DSRSD has the right and option to self-insure the requirements under this Section 10 upon written notice to ZONE 7 that DSRSD assumes the obligations in the place and stead of any insurance carrier, any reference to failure to coverage notwithstanding. In the event that DSRSD elects to self-insure, DSRSD shall provide to ZONE 7 a certificate or other evidence of self-insurance acceptable to ZONE 7.

11. 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 prepaid certified mail to the respective parties as follows:

ZONE 7: General Manager
 Zone 7, Alameda County Flood Control
 and Water Conservation District
 100 North Canyons Parkway
 Livermore, CA 94551

DSRSD: General Manager
 Dublin San Ramon Services District
 7051 Dublin Boulevard
 Dublin, CA 94568

Either party may, from time to time, designate any other address for this purpose by written notice to the other party, given with 10 business day notice.

12. MISCELLANEOUS:

- a) This LICENSE constitutes the entire agreement and understanding between the parties, and supersedes all offers, negotiations and other agreements concerning the subject matter contained herein. Any amendments to this LICENSE must be in writing and executed by both parties.

- b) If any provision of this LICENSE is invalid or unenforceable with respect to any party, the remainder of this LICENSE or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and each provision of this LICENSE shall be valid and enforceable to the fullest extent permitted by law.
- c) This LICENSE shall be governed by the laws of the State of California.

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

ZONE 7:
Zone 7 of Alameda County Flood Control
Water Conservation District

DSRSD:
Dublin San Ramon Services District and

By: _____
General Manager

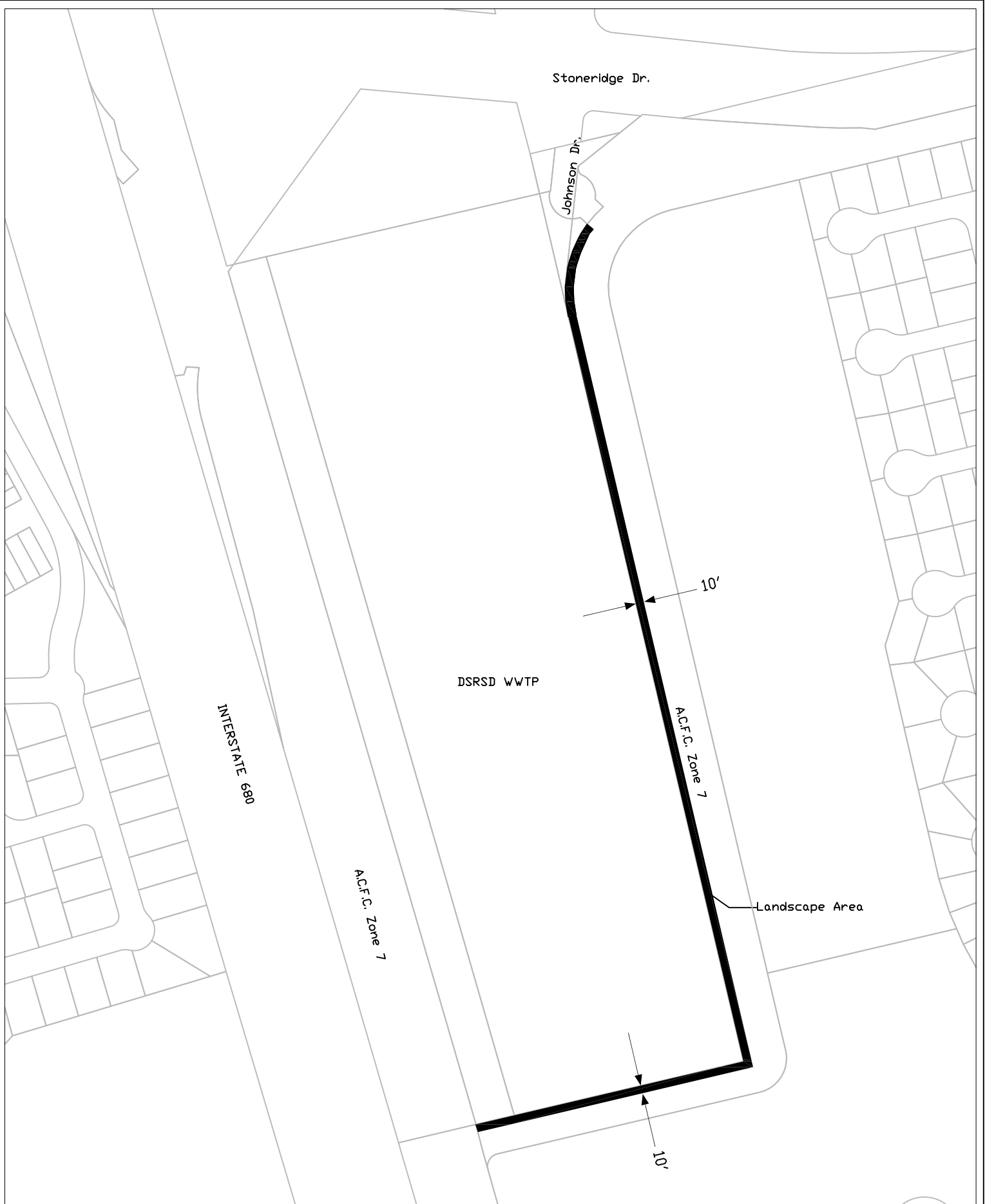
By: _____
General Manager

Date: _____

Date: _____

APPROVED AS TO FORM:

DSRSD General Counsel



**Dublin
San Ramon
Services
District**

**DSRSD LANDSCAPE AREA
EXHIBIT A**

PROJECT NUMBER:
CIP 12-P004
SCALE: NTS
DATE: 09/30/2013

H:\ENGINEERING\CIP\12-P004 WWTP Fencing Security\





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: Joe Seto/Jarnail Chahal

AGENDA DATE: October 16, 2013

ITEM NO. **5d**

SUBJECT: Resolution Proclaiming the Week of November 4-9, 2013 to be California Flood Preparedness Week

SUMMARY:

- Zone 7 Water Agency is a participating member of the California Flood Preparedness Program, a statewide effort to educate the public about the dangers of flooding, how to prepare their homes and families for a flood, and plan for recovery.
- The second annual California Flood Preparedness Week (2013) will be held during the week of November 4 – 9.
- The theme for California Flood Preparedness Week 2013 will be “California Floods – Be Aware. Be Prepared.”
- Joining other sponsors like California Department of Water Resources, Federal Emergency Management Agency, US Army Corps of Engineers, NOAA National Weather Service, and FloodSAFE California, Zone 7 Water Agency expresses support for increased public awareness of flood threats, and encourages all Zone 7 residents to take action to know about flood threats and prepare appropriately.

FUNDING:

There is no funding impact associated with this action.

RECOMMENDED ACTION:

Adopt a Resolution proclaiming the week of November 4-9, 2013 to be California Flood Preparedness Week.

ATTACHMENTS:

1. Resolution proclaiming the week of November 4-9, 2013 to be California Flood Preparedness Week
2. California Floods – Be Aware, Be Prepared, Take Action pamphlet

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Proclaiming the Week of November 4-9, 2013 to be California Flood Preparedness Week

WHEREAS, Zone 7 Water Agency recognizes the significant public safety threat flooding poses to the population, assets and economy of our community; and

WHEREAS, in the last twenty years, every one of California's 58 counties has experienced a federally-declared flood disaster resulting in the loss of lives, homes, precious possessions and costing billions of dollars; and

WHEREAS, Zone 7 residents have endured multiple numbers of flood events including the historic floods of 1955 and 1958. In recent history, Zone 7 applied for and received federal and state financial assistance for repair of damage from flood events during 1995, 1998 and 2005; and

WHEREAS, statewide over 7 million people and at least \$600 billion in assets (buildings, infrastructures and crops) are exposed to the hazard of flooding; and

WHEREAS, during California Flood Preparedness Week, local, state and federal agencies across the state work together to inform the public about the dangers of flooding, how to prepare their homes and families for a flood, and plan for recovery; and

WHEREAS, California Flood Preparedness Week 2013 will be held statewide during the week of November 4 – 9; and

WHEREAS, the theme for California Flood Preparedness Week 2013 will be "California Floods – Be Aware. Be Prepared."

NOW THEREFORE, BE IT RESOLVED, that Zone 7 Water Agency will participate in California Flood Preparedness Week 2013, express support for increased public awareness of flood threats, and encourage all Zone 7 residents to take action to know of flood threats and prepare appropriately.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

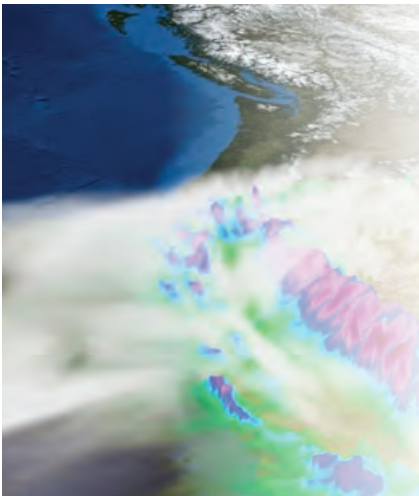
ABSENT:

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 October 16, 2013.

By _____
President, Board of Directors

CALIFORNIA IS AT RISK



More than 7 million people live in an area that can experience catastrophic flooding.

In the last 20 years, every one of California’s 58 counties has experienced a federally-declared flood disaster resulting in the loss of lives, homes, precious possessions and costing billions of dollars.

It's not a matter of IF but **WHEN** California will experience the next flood disaster.

CALIFORNIA'S FLOODING HISTORY

Flooding can affect California at different times of the year and in different forms—from storm water flooding in urban areas to alluvial fan flooding at the base of hillsides. Rivers and streams flood in different ways—from fast-moving flash floods in Southern California to wide-spread flows of mud and debris flooding in fire-stripped hillsides of northern and southern California. Coastal flooding results from powerful storms driving large waves and storm surges on shore while earthquakes or volcanic eruptions can trigger devastations tsunami flooding for coastal communities.

*The two types of flooding that can most likely occur within **Sacramento County** are localized and riverine. Be aware of and understand and be prepared for the flood risk in your neighborhood.*

Localized Flooding occurs in both urban and non-urban areas during or after a storm. Any storm, particularly steady rain storms, can clog drainage systems. Localized flooding can often be minimized by keeping your storm drain free of leaves and debris.

Riverine Flooding occurs when rivers, streams and lakes overflow their banks. This includes flooding caused by levee failure and channel erosion. Areas adjacent to local streams and creeks can also experience flooding as a result of excessive runoff from heavy rainfall. Riverine flooding can be widespread, persisting for hours to days, weeks or more.

BE AWARE

Stay away from rising creeks, streams and rivers. Six inches of fast-moving water can knock an adult off his or her feet. *Doubts? Don't cross!*

- * Do not drive around a barricade. Barricades are there for your protection. Turn around and go the other way.
- * Just one inch of water in a 2,000 square foot home can result in over 20 thousand dollars in damages (source: www.FloodSmart.gov).

KNOW YOUR LOCAL WEATHER ALERTS!

- * During a storm event, tune-in to local radio and television stations for weather updates and warnings.
- * Follow evacuation orders and other instructions from local emergency officials.

KNOW YOUR FLOOD WARNINGS!

- * Flood Watch means it is possible that flooding will occur in a specified area. Be alert and prepared for a flood emergency.
- * Flood Warning means flooding is occurring or is imminent in a specified area. Move to safe ground immediately.



Do not drive through water on flooded roadways; 18 inches of water will float most cars and two feet of water can float SUVs and trucks.

BE PREPARED

- * Keep storm drains clear.
- * Be aware of your surroundings and know your evacuation routes if you see water start to rise. If evacuating, plan where to meet your family or friends and who to contact.
- * During threatening weather, listen to local radio or TV news channels or National Weather Service weather radio for weather updates and watch and warning bulletins.
- * If your property is prone to flooding, have sandbags, plastic sheeting and other flood-fighting materials on hand, and consider buying flood insurance.
- * Have a family emergency plan and a home emergency kit.

PURCHASE FLOOD INSURANCE

Flood damage is not covered by most standard home, renter and business owner insurance policies. If your property is in a designated high-risk flood zone and receive a mortgage loan from a federally regulated or insured lender. Most homeowner’s insurance policies do not provide coverage for damage due to flooding.

Contact your insurance provider for more information on flood insurance.



Over 20 percent of NFIP claims and one-third of disaster claims come from flood damage to homes in moderate to low risk areas.

What is a 100-Year Flood?

It's easy to make the mistake of thinking a "100-year-flood" happens only once every 100 years. The term "100-year flood" refers to riverine flooding and is really a statistical designation that means there is a 1-in-100 chance that a flood of a certain size will happen in any given year.

. . . However, a large flood can happen any year, more than once a year, or in successive years . . .

While a 100-year flood has a 1 percent chance of happening in any given year, over the course of a 30-year mortgage, a home protected by levees certified to provide a 100-year level of protection has a greater than 1-in-4 chance of being flooded at least once! The value of greater than 1-in-4 is based on probability theory that accounts for a 1 percent chance of flooding in each of those 30 years.

More important than the risk of flooding, however, are the consequences of flooding. One inch of water in a 2,000 sq. ft. home causes about \$21,000 in damages. Flood damaged homes usually can't be occupied while being repaired, so rent as well as the mortgage must be paid. When things like photos are lost in flooding, so are personal and family histories.

Is this a chance you're willing to take?



Check out the FloodSmart.org website for an interactive tool to determine what a flood in your home could cost inch by inch . . .

Links and Other Useful Information

Additional information about flood types and flood preparedness can be found at the following websites:

California Flood Preparedness: <http://www.water.ca.gov/ca-flood-preparedness/>

My Hazards: <http://myhazards.calema.ca.gov/>

Flood Risk Notification: <http://www.water.ca.gov/myfloodrisk/>

Flood Smart: <http://www.floodsmart.gov/floodsmart/>

National Weather Service- "Turn Around, Don't Drown"™: <http://www.nws.noaa.gov/os/water/tadd/>

American Red Cross: <http://www.redcross.org/prepare/location/home-family>

California Flood Preparedness Program Sponsors

California Department of Water Resources: www.water.ca.gov/

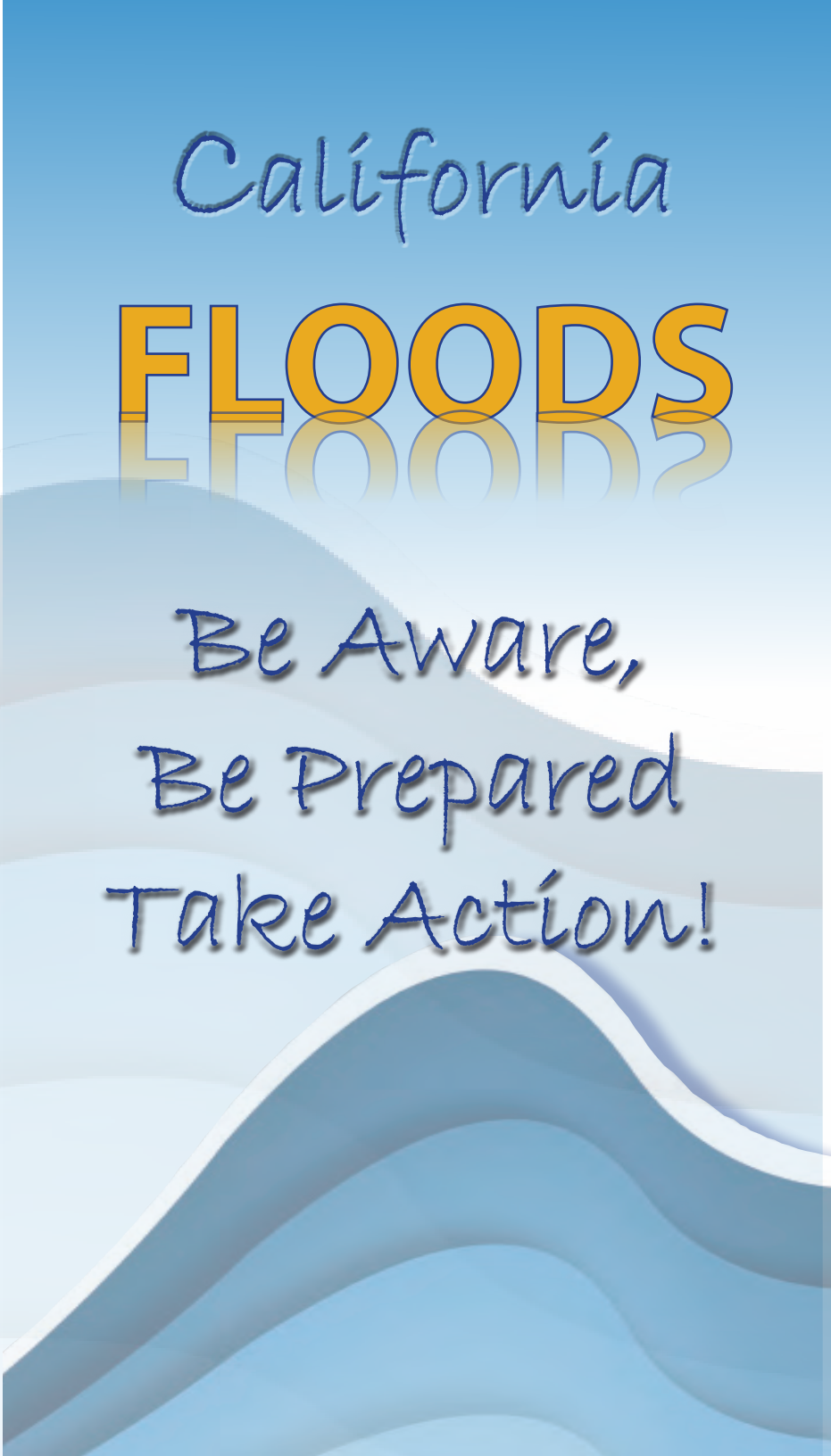
Federal Emergency Management Agency: www.fema.gov

U.S. Army Corps of Engineers: www.spk.usace.army.mil/

NOAA National Weather Service: www.weather.gov

FloodSAFE California: www.water.ca.gov/floodsafe/plan

Sacramento County Department of Water Resources: www.StormReady.org





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/David Aladjem

AGENDA DATE: October 16, 2013

ITEM NO. 5e

SUBJECT: Principles of Understanding between Contra Costa County and Zone 7

SUMMARY

- On April 1, 2009, Management Partners, Inc. presented its interim report to the Zone 7 Board on its analysis of whether the existing County support services best met the needs of Zone 7. A draft Final Report was presented to the Zone 7 Board on September 16, 2009, identifying certain inefficient uses of labor and redundant work processes along with some cost saving potentials in separating functions from the County.
- After further discussions (both in-house and with County staff and supervisors), the Zone 7 board directed staff to pursue independence as a multi-county agency to fully realize these opportunities for efficiencies as well as to allow people in Dougherty Valley to vote for and serve on the Zone 7 Board.
- Senate Bill 1337 was introduced by Senator DeSaulnier in early 2012. While the bill was later withdrawn by the author, it would have created the desired independent special district.
- Subsequent to this, discussions with Alameda County Supervisors and the Alameda County Local Agency Formation Commission (LAFCo) have been ongoing.
- Before pursuing any new legislation, Zone 7 plans to file an application with LAFCo but, as a prerequisite to preparing that application, several milestones were identified (see: http://www.zone7water.com/images/pdf_docs/separation/6-18-13_ltr-to-lafco.pdf).
- One of these milestones was to develop Principles of Understanding with Contra Costa County to clarify roles of the new agency in the Dougherty Valley.
- Such a draft has been developed and is attached. This draft was discussed at the Contra Costa County Board of Supervisors' Transportation, Water & Infrastructure Committee on October 3, 2013. The committee was supportive of the Draft Principles.
- The Draft Principles were also discussed at the Zone 7 Board's Administrative Committee on October 10, 2013. Again, the committee was supportive of the draft Principles and recommended consideration and approval by the full Board.

FUNDING:

No funding impacts.

RECOMMENDED ACTION:

Adopt attached resolution authorizing the General Manager to negotiate and execute the Principles of Understanding with Contra Costa County.

ATTACHMENTS:

Draft Principles of Understanding; Location Map; Resolution

DRAFT
September 1, 2013

**Principles of Understanding
By and Among the
Contra Costa County Flood Control & Water Conservation District,
Zone 7 Water Agency, Contra Costa County Water Agency
and Contra Costa County**

Date: _____, 2013

Proposal: The Zone 7 Water Agency ("Zone 7") proposes to become a new public agency ("Proposed Agency"), separate and apart from the Alameda County Flood Control and Water Conservation District, with territory in both Alameda and Contra Costa counties and the power to provide specified services. The proposal, including any future additions and modifications to and approval of the proposal, will be referred to as the "Zone 7 Proposal."

Issue: The Zone 7 Proposal has the potential to impact public agencies that currently exist in Contra Costa County that provide, or have the power to provide, the same or similar services as would the new public agency. The purpose of these Principles of Understanding is to guide the formation of the Proposed Agency so that it does not infringe upon the powers of or services provided by existing public agencies in Contra Costa County.

1. *Territory of Proposed Agency.* The Proposed Agency would include all territory of the current Zone 7 Water Agency including the Dougherty Valley area of Contra Costa County, as shown on the attached map.

2. *Powers of Proposed Agency; Services.* Within Contra Costa County, the Proposed Agency would continue to have the power to provide water service to the retail water service provider serving Dougherty Valley. The proposed agency would not have any of the powers of the Contra Costa County Flood Control & Water Conservation District ("District"), except to the extent that such powers are necessary to provide water service to Dougherty Valley. Services provided by the other agencies named above will be unaffected by the creation of the proposed agency, as follows:

a. *County Services.* Contra Costa County ("County") has the authority to provide an array of services to residents within Contra Costa County, including Dougherty Valley. The County is also bound by several judicial decrees and municipal agreements that pertain to Dougherty Valley. The Zone 7 Proposal will be structured so that it (1) has no effect on the County's legal authority to provide services anywhere in its jurisdiction and (2) will not conflict with any service requirements contained in the judicial decrees or municipal agreements.

b. *Contra Costa County Flood Control & Water Conservation District Services.* The District has authority to provide a variety of services, including flood control and water services, to areas within Contra Costa County, including Dougherty Valley. The Zone 7 Proposal will be structured so that it has no effect on the District's legal authority to provide these services anywhere in its jurisdiction. Nothing in the Zone 7 Proposal will require any modification of the Contra Costa County Flood Control and Water Conservation District Act.

c. *Contra Costa County Water Agency Services.* The Contra Costa County Water Agency ("Agency") has authority to provide a variety of services, including water services, to areas within Contra Costa County, including Dougherty Valley. The Zone 7 Proposal will be structured so that it has no effect on the Agency's legal authority to provide these services anywhere in its jurisdiction. Nothing in the Zone 7 Proposal will require any modification of the Contra Costa County Water Agency Act.

3. *Financial Provisions*

a. *Costs of Services.* The Zone 7 Proposal will be structured so that it does not increase the cost to the County, District or Agency to provide their respective services to Dougherty Valley.

b. *Zone 7 Proposal Review Costs.* The Zone 7 Proposal will be structured to minimize internal costs of staff of the County, District and Agency associated with its review and implementation. If the County, District or Agency incur external costs associated with the review and implementation of the Zone 7 Proposal, (including but not limited to legal or consulting fees), Zone 7 shall promptly reimburse them for their respective costs. External costs will be billed monthly in arrears.

c. *Revenues.* To the extent allowed by law, the Zone 7 Proposal will be structured so that the Proposed Agency does not receive any allocation of the ad valorem property tax revenues collected from properties in Dougherty Valley. To the extent allowed by law, the Zone 7 Proposal will also be structured so that the Proposed Agency receives no portion of the revenues from other taxes, fees and assessments that are collected for the purpose of funding improvements or services provided by the County, District or Agency.

d. *Ballot Measures.* Zone 7 will not, directly or indirectly, interfere with, impede or oppose any effort by the County, District or Agency to increase revenues through a ballot measure or other means.

4. *Further Expansion.* Zone 7 will not seek to include within the territory of the Proposed Agency any areas of Contra Costa County beyond the Dougherty Valley.

5. *Anticipated Process to Move Forward*

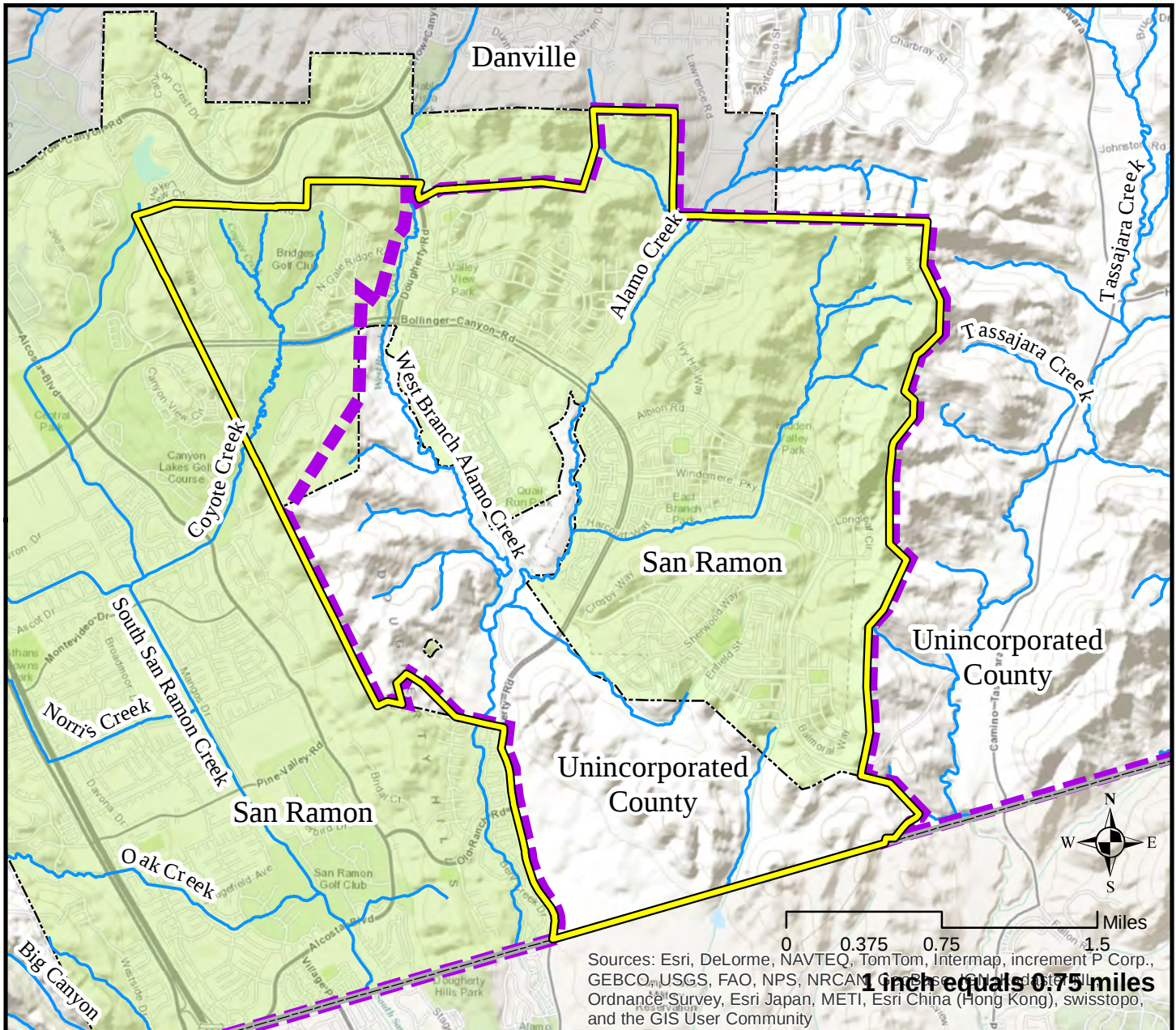
a. *Administrative Process.* To the extent that the Local Agency Formation Commissions ("LAFCOs") of Alameda County or Contra Costa County have jurisdiction to act as a conducting authority with regard to the Zone 7 Proposal, Zone 7 will submit the

Zone 7 Proposal to one or both LAFCOs for consideration. Zone 7 will inform the County, District and Agency of each step in this process.

b. *Legislative Process.* To the extent that the Zone 7 Proposal requires legislative action, Zone 7 will work cooperatively with the County, District and Agency to draft proposed legislation consistent with these Principles of Understanding and inform the County, District and Agency of each and every change or modification of the legislation as it goes through the legislative process.

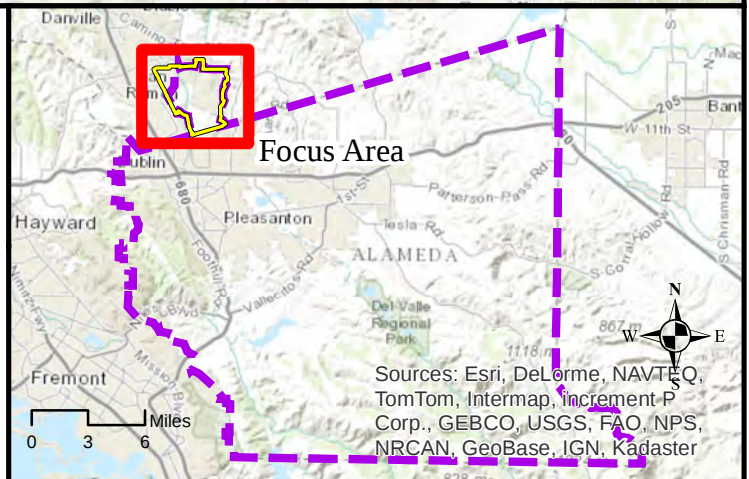
c. *Transportation, Water and Infrastructure Committee.* It is anticipated that the Contra Costa County Board of Supervisors' Transportation, Water and Infrastructure Committee will be the policy approval liaison for the County, District and Agency regarding the Zone 7 Proposal.

Map for Principles of Understanding Zone 7 Water Agency Boundary within Contra Costa County



Legend

-  Dougherty Valley Specific Plan
-  Zone 7 Water Agency
-  County Boundary
-  City Limits
-  Contra Costa Creeks



ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Principles of Understanding with Contra Costa County

WHEREAS, staff have been working with various staff in Contra Costa County Flood Control and Water Conservation District, as well as other Contra Costa County departments; and

WHEREAS, a tentative agreement has been prepared by the respective legal staff working together; and

WHEREAS, developing such principles was a key milestone in preparing for Zone 7's continuing pursuit of independent special district status.

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 approve the Principles of Understanding By and Among the Contra Costa County Flood Control & Water Conservation District, Zone 7 Water Agency, Contra Costa County Water Agency and Contra Costa County;

BE IT FURTHER RESOLVED, that the General Manager is authorized to negotiate and execute the Principles in general conformance with the Draft Principles presented to the Zone 7 Board on this date.

* * * * *

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 October 16, 2013.

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: ADMINISTRATION

CONTACT: JILL DUERIG

AGENDA DATE: October 16, 2013

ITEM NO. **5f**

SUBJECT: AMENDING GUIDING PRINCIPLES FOR BOARD MEMBERS

SUMMARY:

On August 19, 2013, the Board had its annual retreat. One of the topics that was discussed was a summary set of Guiding Principles that would highlight key portions of “Zone 7 Water Agency’s Board Policy on Conducting Business” and the “Gentleperson’s Agreement.” The result of that retreat discussion was presented at the September 18, 2013 Board Meeting. President Stevens proposed some additional bullet items taken generally from the Policy on Conducting Business. Several of the board members felt these should be discussed further before including them as Guiding Principles. The board then adopted Guiding Principles consistent with those originally discussed at the retreat, without incorporating the additional bullets.

Subsequent to that discussion, President Stevens asked the Administrative Committee of the Board to consider the additional bullet items. The Administrative Committee discussed the additions proposed by President Stevens. The resulting amended Guiding Principles are attached as a redline, showing the additional bullet items proposed by the Administrative Committee.

This is an opportunity to discuss and finalize such an amended summary.

FINANCIAL:

None.

RECOMMENDED ACTION:

Adopt attached resolution amending Guiding Principles.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

A Resolution Revising the Zone 7 Water Agency Strategic Planning Priorities

WHEREAS, the Board has adopted the “Gentleperson’s Agreement” and “Zone 7 Water Agency’s Board Policy on Conducting Business”; and

WHEREAS, the Board adopted a summary of those policies as “Guiding Principles” on September 18, 2013; and

WHEREAS, there is now a desire to add to those “Guiding Principles”;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control & Water Conservation District does hereby approve the attached amended “Guiding Principles for Board Members” summarizing key principles in those policy documents.

* * * * *

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 October 16, 2013.

By: _____
President, Board of Directors



Guiding Principles for Board Members

Role of the Board

- Promote the best interest of the public by establishing policies that support the mission, vision and core values of the organization and by ensuring the implementation of those policies.
- Assure the fiscal health for the organization and provide the resources necessary to meet the agency's goals.
- Provide policy direction to the General Manager, who will, in turn, manage the day-to-day operations of the organization.
- Understand your role and relationship to other board members, the staff the General Manager and the public.
- Recognize and respect the distinction between the policy-setting role and the day-to-day implementation of policy by staff.

Principles of the Board of Directors -The Board:

- Functions as a team.
- Respects and supports each other.
- Values open and honest communication.
- Is prepared for meetings.
- Practices continued professional development in their role as directors.
- Are respectful and considerate of staff.
- Acts with decorum at and outside board meetings so as to reflect well on Zone 7.
- Cannot represent or commit Zone 7 without action by the full board.
- Contacts the General Manager or the Clerk of the Board with requests rather than going directly to staff.

*For more complete information, refer to Zone 7 Water Agency's "Board Policy on Conducting Business," posted on the website at http://www.zone7water.com/images/pdf_docs/board-of-directors/9-19-12_bd-plcy-cndctng-business.pdf.



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 Hughes

AGENDA DATE: October 16, 2013

ITEM NO. 6

SUBJECT: August Employee of the Month Recognition

SUMMARY:

The Employee Recognition Program Nomination Committee met in September and selected the Employee of the Month for August 2013 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.

Gerald DeWitt, Maintenance Manager, has been chosen from among those nominated as the August 2013 Employee of the Month. He is based out of the Del Valle Water Treatment Plant and reports to Kurt Arends, Assistant General Manager.

Gerald was nominated for his work ethic and positive attitude. Gerald is constantly looking for ways to improve the operation and effectiveness of the Maintenance Section. These improvements have included expanding the capabilities of the section and finding better ways to operate and maintain our system. It was pointed out that when it comes to solving problems or making repairs, Gerald's vast experience in the industry allows him to come up with solutions, which are practical and sound and often improve upon the original.

Gerald's positive outlook allows him to work well with staff in Operations, Engineering and throughout the agency. He is a great resource and help across the agency. Gerald has been recognized by being a Zone 7 "Hall of Fame" awardee two times receiving the "True Blue Award" in 2012 and the "Guru Award" in 2011.

The committee seconded the recommendation and recognized Gerald DeWitt 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 Gerald DeWitt as August 2013 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/INTEGRATED PLANNING
CONTACT: JAVIA GREEN/AMPARO FLORES

AGENDA DATE: October 16, 2013

ITEM NO. 7

SUBJECT: Proposed 2014 Municipal & Industrial Water Connection Fee

SUMMARY:

- Zone 7 established the Municipal & Industrial (M&I) Connection Fee Program in 1972 to assess water connection fees to new development in order to fund water system expansion projects required to serve additional water demands from new development.
- The Board resolved with the adoption of the 2002 Connection Fee (Resolution No. 02-2450), that the basic fee be updated annually based on the Engineering News Record Construction Cost Index (ENR CCI), or as warranted to keep current with plans and projections based on periodic reviews and that additionally the connection fee program would be comprehensively reevaluated every *three* years or sooner as needed. However, reports and plans that are integral in determining the fee are developed every five years.
- Staff recommends that the current Water Connection Fee Program update interval of every *three* years or sooner is changed to every *five* years or sooner. Zone 7 and the Retailers are required by the State of California to complete and adopt an Urban Water Management Plan (UWMP) every five years; UWMPs contain information on population, water demand, and account projections. The UWMPs serve as a vital reference for the Water Connection Fee Program (connection fee update). Additionally, Zone 7 plans to complete an update to the Water System Master Plan (WSMP) in 2016, and as needed thereafter. The WSMP identifies major water supply acquisitions and facility improvements necessary to meet water demands through build-out. Inputs from both plans are integral in determining the water connection fees.
- For the 2014 fees, staff recommends adjusting the current fees to keep pace with inflation, based on the change in the ENR CCI from September 2012 to September 2013, a 2.26% increase.

Effective Period	Alameda County (per DUE)	Dougherty Valley (per DUE)
Effective January 1, 2013	\$23,500	\$21,750
Effective January 1, 2014 (2.26% increase)	\$24,030	\$22,240

FUNDING:

Water connection fee revenue accrues to Fund 130 – Water Expansion.

RECOMMENDED ACTION:

Adopt the attached resolution.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**CONNECTION FEES FOR THE ZONE 7 AND DOUGHERTY VALLEY SERVICE AREAS
EFFECTIVE JANUARY 1, 2014**

WHEREAS, a Water Connection Fee Program for Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7) was adopted by District Ordinance No. FC 72-1 on January 18, 1972 and was subsequently amended by Ordinances Nos. FC 77-2, FC 86-136, and FC 0-91-68; and

WHEREAS, said Ordinances provide that the water connection fee is subject to periodic review and modification at the discretion of the Board of Directors of Zone 7 (Board); and the Board resolved with the 2002 amended connection fee (Resolution No. 02-2450) that the basic fee be updated, at a minimum, based on the Engineering News Record Construction Cost Index, or other appropriate index on a yearly basis or as otherwise warranted, to keep current with inflation and that the connection fee program be comprehensively reevaluated every three years or sooner as needed; and

WHEREAS, such comprehensive review was completed in 2011.

WHEREAS, reports and plans that are integral in determining the fee are developed every five years.

NOW, THEREFORE, BE IT RESOLVED that by adoption of this resolution, the maximum update interval for comprehensively evaluating the connection fee is changed from every three years to every five years.

BE IT FURTHER RESOLVED that the Board hereby amends the basic fee for a standard 5/8" meter, as specified in said Ordinances, within the Zone 7 service area to \$24,030 and within the Dougherty Valley Service Area to \$22,240. For meters types larger than the 5/8" basic meter, the basic charge shall be multiplied by a fee factor as described in Zone 7's Ordinance No. FC 0-91-68.

BE IT FURTHER RESOLVED that said basic fee as amended herein shall become effective January 1, 2014, and remain in effect until such time as the Board establishes a new basic fee for Zone 7.

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 Alameda County Flood Control and Water Conservation District on October 16, 2013.

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: INTEGRATED PLANNING
CONTACT: ELKE RANK

AGENDA DATE: October 16, 2013

ITEM NO. 8

SUBJECT: Environmental Compliance & Planning As Needed Services

SUMMARY:

- Zone 7 has a need for environmental compliance and planning support services to meet California Environmental Quality Act (CEQA) and regulatory requirements. This may include specialized support on tasks outside of staff expertise, or support for large projects for which there are insufficient staff resources.
- Zone 7 selected consultants through an RFP process in 2010; the term expired in June 2013.
- Proposals were requested in August 2013 to provide environmental compliance support services to Zone 7 on an annual, as-needed basis for up to 3 years. Nine proposals were received and reviewed by a 5-member internal selection committee.
- Based on their exemplary qualifications, ESA was selected to provide services to Zone 7, including CEQA, permitting, mitigation planning or monitoring, and biological surveying / planning.
- The initial contract is for projects identified for this fiscal year (FY) only. The contract may be renewed, as needed, for FY 2014-15 and FY 2015-16.
- Selection does not guarantee work; task orders and specific scope of work/budget will be authorized only when needed.

FUNDING:

Funding sources are based on the scope of work, and within the adopted budget. Generally, the FY 2013-14 task orders and funding source are expected to be:

- Stream Maintenance Permitting, Fund 200
- Arroyo Las Positas Improvements (R.1-7), Funds 200 and 210 (split)
- Arroyo Mocho Low Flow Crossing, Fund 130
- Contingency / As Needed, Fund tbd

RECOMMENDED ACTION:

Authorize the General Manager to negotiate an annual professional services contract for FY 2013-14 for a not to exceed amount of \$215,000, with options for two annual renewals in amounts not to exceed \$215,000 annually, for a total 3-year amount of up to \$645,000.

ATTACHMENTS:

Staff Memo
Resolution

Interoffice Memo

Date: October 7, 2013
To: Jill Duerig, General Manager
From: Elke Rank, Associate Water Resources Planner, IP
Subject: Professional Services Contract with ESA for Environmental Compliance & Planning As Needed Services

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

BACKGROUND

Zone 7 has a need for environmental compliance and planning support services. This may include specialized support on tasks outside of staff expertise, or support on large projects for which there is insufficient staff resources. Often, the work is shared between in-house staff and outside consultants so as to both help offset the cost of outside services and to improve in-house capabilities.

In order to more efficiently obtain these specialized services, it is Zone 7's practice to go through the Request for Proposals process for such services once every three years. The original contract is for one year. With satisfactory performance, a new annual contract may be executed up to two additional times with the same firm to provide the services for a total of up to three years (i.e., Fiscal Years 2013-14, 2014-15, and 2015-16).

In August 2013, proposals were requested to provide these on-going surveying support services to Zone 7 on an annual contract basis. A total of nine proposals were received. Based on satisfactory work on past contracts, broad technical expertise, and significant local experience, Zone 7 found ESA to be best qualified to provide these services to Zone 7.

DISCUSSION

Zone 7 has compiled a list of projects that are identified in the current Capital Improvement Program, or that are anticipated to support maintenance activities and other planning activities, which will require environmental compliance and planning services in Fiscal Year 2013-14 (see below). Task orders will provide detailed scope of work, and payments will be based on actual time and materials charged.

<u>FY 2013-14 Project / Task</u>	<u>Amount</u>	<u>Fund</u>	<u>Project #</u>
Stream Maintenance <i>Biological surveys, permitting support</i>	\$40,000	200	34.70.7005
Arroyo Las Positas Improvements (R.1-7) <i>Biological assessment, geomorphology / design support, CEQA and permitting support</i>	\$75,000	200/210 split	COM0020
Arroyo Mocho Low Flow Crossing <i>Biological assessment, CEQA and permitting support</i>	\$50,000	130	EXP0003
Contingency / As Needed <i>Tbd</i>	\$50,000	tbd	Tbd

The contract will be eligible for renewal for two additional years, for a not to exceed amount of \$215,000 annually. Project needs and funding will be identified at the start of each fiscal year.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Award of Environmental Compliance and Planning Services Contract

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 contract with ESA for environmental compliance and planning services for FY 2013-14 in an amount not to exceed \$215,000, with options for two annual renewals in amounts not to exceed \$215,000 annually, for a total 3-year amount of up to \$645,000.

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 October 16, 2013

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: Integrated Planning

CONTACT: Amparo Flores/Colleen Winey/Carol Mahoney

AGENDA DATE: October 16, 2013

ITEM NO. 9

SUBJECT: Chain of Lakes Preliminary Lake Use Evaluation and Related Issues

SUMMARY:

- There is a need to develop and communicate a more formal lake use plan for Cope Lake and Lakes H and I because the City of Pleasanton is currently developing the East Pleasanton Specific Plan (EPSP), which covers an area that largely consists of these three lakes and, if implemented, will change access and uses of immediately-adjacent property.
- Lake I and Cope Lake are currently owned and managed by Zone 7 and Lake H is scheduled to be turned over to Zone 7 at the end of 2014.
- A list of potential uses and a proposed lake use evaluation methodology have previously been presented at various public meetings, including the Zone 7 Water Resources Committee (February, March, and September 2013) and the Zone 7 Board (April and June 2013). Staff also met with staff from the retailers in April 2013 and the Liaison Committee met in May 2013 to provide an overview of the COLs planning process and solicit feedback. In response to comments received at the various meetings, staff has been refining the list of potential uses and the criteria of evaluation.
- The criteria that were previously developed for evaluation of Lakes H, I, and Cope were then applied to all of the lakes, along with the remaining lake uses that were not included in the initial evaluation.
- A pending amendment to Surface Mining Permit – 23 for Lakes A and B has also informed the use evaluation and staff are still reviewing potential impacts to future Chain of Lakes operations.

FUNDING:

No funding requested at this time.

RECOMMENDED ACTION:

Discuss and provide direction.

ATTACHMENT:

Memorandum providing additional background information

INTEROFFICE MEMORANDUM

DATE: October 16, 2013
TO: Carol Mahoney, Integrated Planning Manager
FROM: Amparo Flores, Associate Engineer
Colleen Winey, Assistant Geologist
SUBJECT: Chain of Lakes Preliminary Lake Use Evaluation and Other Issues

BACKGROUND:

The Livermore Amador Valley Quarry Area Reclamation Plan of 1981 (LAVQAR) designated overall uses for the Chain of Lakes (COLs) area, but allowed Zone 7 flexibility in the ultimate use and operation of the lakes for water management purposes. Staff recently accelerated an evaluation of lake uses to address various external planning activities, such as the City of Pleasanton's East Pleasanton Specific Plan (EPSP) and mining permit amendment applications. The evaluation was initially focused on Lakes H, I, and Cope Lake because: 1) mining has been completed at these three lakes; 2) Zone 7 currently owns Lakes I and Cope, and Lake H is anticipated to be turned over to Zone 7 in late 2014; and 3) the City of Pleasanton is in the midst of developing the EPSP, which includes Lakes H, I, and Cope, plus the surrounding areas (**Figure 1**).

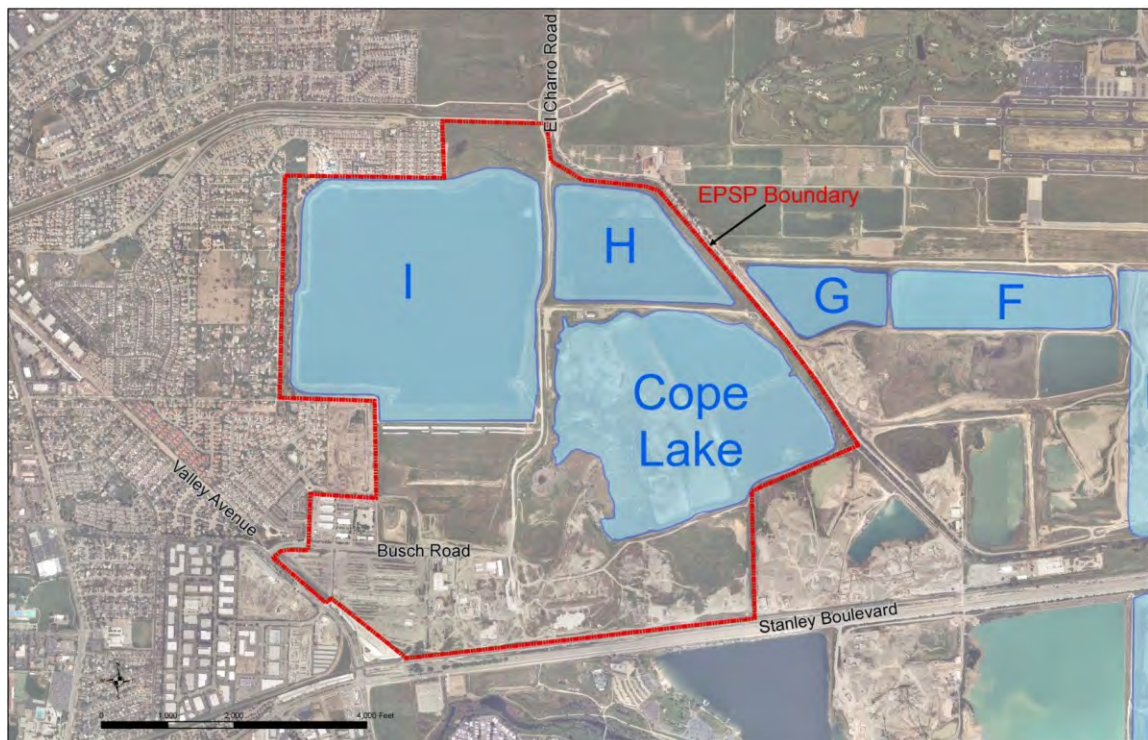


Figure 1. Area Covered by the East Pleasanton Specific Plan (EPSP).

In addition, by having the potential lake uses evaluated for Lakes H, I, and Cope Lake, Zone 7 will be better prepared to respond to land use alternatives being considered by the EPSP Task Force and ensure that Zone 7 water management requirements are protected.

A list of potential uses and a proposed lake use evaluation methodology have previously been presented to the Zone 7 Water Resources Committee (February, March, and September 2013) and the Zone 7 Board (April and June 2013). Staff also met with retailer staff in April 2013 and

the Liaison Committee met in May 2013 to provide an overview of the COLs planning process and solicit feedback. In response to comments received at the various meetings, staff have been refining the list of potential uses and the criteria of evaluation. The criteria that were developed for evaluation of Lakes H, I, and Cope were then applied to all of the lakes, along with the remaining lake uses that were not included in the initial evaluation. Below is a discussion of the results of the complete preliminary lake use evaluation.

DISCUSSION:

A. Potential Uses

As noted above, staff's initial efforts focused on evaluating uses for Lakes H, I, and Cope due to the near-term need to explore use options at these lakes. Now the remaining lakes have also been initially evaluated.

Table 1, below, presents a revised list of uses being considered for this phase of the evaluation of COLs uses. The uses were divided into Primary Uses and Secondary Uses. Primary Uses directly support Zone 7's mission of providing a reliable, high-quality water supply and effective regional flood protection. The Secondary Uses are uses that have been requested by external entities (e.g., retailers, members of the public, recreation agencies) and are potentially compatible with Zone 7's primary uses of the lakes, but do not directly support Zone 7's mission. Wetlands and Other Uses (aquaculture, hatcheries, etc.) were found to be more appropriately evaluated at a later time and on a case-by-case basis after the major primary and secondary uses have been identified. All of the lakes are suitable for surface water storage and conveyance, and are designed to be interconnected; therefore, all of the lakes were given a maximum score for Surface Water Storage/Conveyance.

Table 1. Revised List of Potential Uses

POTENTIAL USE		DESCRIPTION
Primary Uses		
STRM-STOR	Stormwater storage	Capture of stormwater and/or flood water (e.g., from a 100-year flood event) for flood control.
GWR-RCHG	Groundwater recharge	Recharge of the Main Basin with surface water from Arroyo Del Valle diversions, SWP water, or other sources.
SURF-STOR	Surface water storage and conveyance	Storage and conveyance of surface water for recharge or later delivery to the treatment plants.
Secondary Uses		
RW-STOR***	Recycled water storage	Seasonal storage of recycled water for use during the dry season.
HAB-CORR	Habitat corridor - conservation	Protected or enhanced wildlife habitat/habitat corridor.
REC-ACT	Active recreation	Recreational activities that involve potential body-contact with the lake or its slopes (e.g., swimming, non-motorized boating, fishing, etc.).
EDUC/REC-PASS	Public education/Passive Recreation	Installation of trails, kiosks, a visitor center, etc. that could be used to educate the public. Recreational activities that do not involve body contact with the lake (e.g., bird watching).

*** Potentially a Primary Use – See Primary Use text regarding Recycled Water Storage

B. Preliminary Lake Use Evaluation

For this phase of the use evaluation, staff applied the same criteria previously used to evaluate Lakes H, I, and Cope to the remaining lakes. The uses that were evaluated include:

- Active Recreation
- Education/Passive Recreation
- Habitat Corridor (Conservation)
- Stormwater Storage

Additional lake uses evaluated in this phase for all lakes are:

- Groundwater Recharge
- Recycled Water Storage

Staff maintained the same assumptions when moving forward with this evaluation as were identified in the previous phase. One such assumption was that the prescribed use of Lake I as a groundwater recharge facility would not change from its designation in the 1981 LAVQAR plan. Other assumptions include:

- Uses identified for specific lakes in the following governing documents and agreements will be maintained:
 - 1981-LAVQAR Specific Plan
 - 2004-Recycled Water MOU (DSRSD)
 - 2005-Well Master Plan & EIR
 - 2006-Stream Management Master Plan
 - 2010-El Charro Specific Plan Agreement (Livermore)
- All planned facilities included in the Surface Mining Permits (SMPs) will be built as part of reclamation.
- Lakes were considered in their existing condition (or with minor modifications).
- Recreational facilities will be operated/maintained by other agencies.

The following section describes the criteria used to perform the preliminary evaluation of each lake use and how the lakes were scored. Because the criteria to evaluate each use vary depending on the use, each use did not have the same total score. In order to make the scores more comparable between uses, a percentage score was also developed by dividing the total points assigned to a lake for a certain use by the highest number of points available for that use. For example, a lake scoring the total number of points available for a certain use was assigned 100%. Where negative scores were possible, 0% was assigned. A score of 100% does not, however, mean that the lake would be immediately appropriate for that use without modification or further consideration of potential conflicts.

Primary Uses

Stormwater Storage

One of the primary water management uses identified for the COLs is regional flood protection through stormwater storage. The 2006 Stream Management Master Plan (SMMP) estimated an optimum storage of 5,000 acre-feet (AF), which would allow for a reduction in the Arroyo de la Laguna peak flows from 23,400 cubic feet per second (cfs) to 16,300 cfs during a future 100-year event and reduce flooding along the Arroyo Mocho. The SMMP Update project, and associated modeling effort, is currently updating flood flows and developing revised estimates of the storage required for stormwater detention. For planning purposes, the assumption is that a maximum of 5,000 AF of stormwater diversion from Arroyo Mocho will be required. **Table 2** presents the list of criteria, the highest possible score assigned to each criterion, and the scoring assigned to each lake for stormwater storage.

To evaluate the suitability of the lakes for stormwater storage, several criteria were considered. Proximity to Arroyo Mocho is a key consideration as this will reduce the amount of facilities—and associated costs—required to convey stormwater to the lake and prevent flooding of any adjacent areas. Available storage capacity at 75% or greater of 5,000 AF would allow capture of most, if not all, of floodwaters, also reducing facility requirements and costs. Any impediments (e.g., structures such as roads, railroad tracks, other lake/s) between Arroyo Mocho and the lake would reduce the suitability of that lake. Since stormwater contains a lot of silt, which would clog recharge faces, a lake that has been identified for recharge operations would not support stormwater use.

The results indicate that Cope Lake would be the most suitable for stormwater storage. If Cope Lake is used, an additional lake may be needed to make up the storage volume shortfall; Cope Lake has a storage volume of approximately 4,400 AF so an additional 600 AF of storage may be needed. Lakes E, G, and H also scored relatively high for this use.

Groundwater Recharge

Another of the primary water management uses identified for the COLs is groundwater recharge. The concept of the Chain of Lakes was established to provide mitigation for the removal of aquifer material through gravel mining. The areas that are mined and reclaimed with material that is less permeable than the sands and gravels removed restrict the flow of groundwater in the center of the main groundwater basin. The lakes are left open and expose the groundwater aquifer to evaporative losses. To counter these effects, surface water or groundwater from other locations can be introduced to lakes that can replenish the groundwater lost through evaporation. Water can also be added to replenish the groundwater basin. In order for groundwater recharge to take place, two things are required: 1) a connection to the groundwater basin must be present, and 2) enough water needs to be added to create a vertical head to “push” the water into the aquifer. **Table 3** presents the list of criteria, the highest possible score assigned to each criterion, and the scoring assigned to each lake for groundwater recharge.

To evaluate the suitability of the lakes for groundwater recharge, two criteria were considered: the amount of recharge face and how much vertical capacity are available in each lake. The gravel recharge face was calculated by measuring the square feet of exposed gravel in the downgradient direction. While additional recharge will occur along gravel faces in up- or cross-gradient direction, the lakes were evaluated for the preferred downgradient faces. Any existing overburden was not counted in the recharge face calculations. In addition, many of the future Chain of Lakes are adjacent to former quarry pits that have been or will be reclaimed with low-permeability soils. As a result, only gravel faces exposed below these reclaimed pits were

included for this evaluation. In order to rank the lakes a point value has been assigned based on how much recharge face is available in a lake. The point value increases as the amount of recharge face increases.

Vertical capacity in each lake was calculated by how many vertical feet are available in each lake between the estimated average groundwater elevation and the maximum operating water elevation. Again, a point value was assigned with the point value increasing as the vertical feet available increases.

Four of the lakes (B, C, D, and E) have the potential to be mined below the upper aquifer and into the lower aquifer, which is used as groundwater supply. In Table 3, these lakes were noted as having a potential to directly recharge the lower aquifer but were not assigned a point value for this criterion.

The preliminary results indicate that Lake I would be the best recharge lake, which is consistent with its current designation for this purpose.

Recycled Water Storage***

***At the recommendation of a member of the Water Resources Committee, Recycled Water Storage has been tentatively shifted to a Primary Use.

Zone 7 and Dublin San Ramon Services District (DSRSD) entered into a Memorandum of Understanding¹ in 2004 regarding evaluating the possibility of storage of recycled water in the Chain of Lakes area. In 2013 (personal communication, Dave Requa), DSRSD indicated that the agency will require a storage yield of 900-1,200 AF (after any losses due to evaporation, etc.). Depending on weather conditions, recycled water storage would begin in late February or early March and drawdown would occur between late June to mid-August, a similar season to stormwater storage needs. **Table 4** presents the list of criteria, the highest possible score assigned to each criterion, and the scoring assigned to each lake for recycled water storage.

To account for required headspace, accumulation of precipitation, and a safety factor, staff assigned a minimum required storage capacity of 2,000 AF; lakes with storage capacity greater than 2,000 AF were given a point.

Because of potential odor issues, lakes that were distant from the urban interface were considered more suitable for this use than other lakes. Water quality impacts are a concern; therefore, lakes bordering a water supply facility (i.e., wells, diversion structure) were assigned a negative point. Furthermore, lakes that have a high recharge potential (see scoring under groundwater recharge) were also considered less appropriate for this use because of potential water quality impacts to the groundwater basin and potential for losses of recycled water to the basin. Lake I, which is already a designated recharge lake, was not considered for recycled water storage.

Lakes F and G are the only two lakes that scored positively for this use. Note that recycled water storage may conflict with the primary uses of stormwater storage and groundwater recharge. For example, if Lake F is used for recycled water storage, re-plumbing will be necessary to convey surface water from Lake E to Lake G.

¹ Memorandum of Understanding between Dublin San Ramon Services District and Zone 7 for Cooperative Effort Regarding Groundwater Demineralization and Storage within the Livermore-Amador Valley. April 20, 2004.

Secondary Uses

Habitat Corridor - Conservation

Movement is essential to wildlife survival, and unbroken corridors that facilitate the movement of animals between habitats are important to the health of wildlife populations and overall ecosystem function. Roads, development, or other impediments can block these natural movement patterns and lead to losses of species and critical ecosystem services. For this evaluation, a habitat corridor is a strip of land that aids in the movement of species between one of the lakes and adjacent riparian habitat, or between one of the lakes to upland habitat.

The quarries are situated where material was historically deposited by the Arroyo Mocho or the Arroyo del Valle. As such, some of the lakes are adjacent to the arroyos and the riparian habitat there. Species such as the California red-legged frog can move overland between river and pond habitat. The western pond turtle, though primarily an aquatic species, utilizes terrestrial upland habitat for both nesting and overwintering activities. Those are just two examples of species that would benefit from habitat corridors.

Table 5 presents the criteria, highest possible score and ranking of the lakes for habitat corridor (conservation) use.

Lakes adjacent to existing upland or riparian habitat scored higher than those that did not. Lakes were scored on linear length of bank directly adjacent (without any major impediments) to habitat. Urban areas can be a barrier to wildlife movement and introduce pest species (e.g., raccoons, rats) that can harass or prey on desired wildlife; therefore, lakes that are distant from an urban interface were assigned one point. The distance from an urban interface was calculated by measuring the linear feet at top of slope that is adjacent to urban development or a major road. The proposed EPSP development was included in the analysis. Lakes with development on less than 50% of their banks adjacent to an existing or planned major road or development were given 1 point.

Lake A scored highest for this use, followed by Cope Lake and Lake B, then Lake H.

Active Recreation

As defined here, active recreation includes any activity that involves or could result in body-contact with the lake, including activities on the slopes. Examples include non-motorized boating, fishing, swimming, etc. **Table 6** presents the list of criteria, the highest possible score assigned to each criterion, and the scoring assigned to each lake for active recreation. Elements that could be considered desirable for active recreation (e.g., safety and convenience of access) were assigned positive points, while those elements that are not conducive to active recreation (e.g., potential impacts to water management operations) were assigned negative points.

All of the lakes are former quarry pits, and as such, the slopes were designed for that purpose rather than public access. Most of the quarry slopes were mined with a final slope of 2:1. This results in very steep slopes that are not conducive to safe, active recreation activities. Some of the lakes do have gentler slopes along portions that make them more acceptable for active recreation. The slopes at each of the lakes were evaluated and the length of slope that was gentler than 2:1 was tabulated. This number was then compared to the entire perimeter of the lake to get a percentage of slopes that is potentially acceptable for public access. Because of the importance of this criterion, for both safety and usability, there were two points possible.

In addition to having gentler slopes, an additional point was given if a lake has an existing safe access point to the water such as an existing boat ramp or roadway to the water. Lake I has an

engineered boat ramp for emergency access. Lake H has a non-engineered roadway that goes most of the way to the water. Although Cope Lake has large areas of gently sloping sides, no formal access point exists. Access along Cope Lake would need to have additional geotechnical analysis performed to determine acceptable access areas.

Proximity to existing or planned park and proximity to urban interface were considered important for maximal potential recreational use of the lake by the public. Similarly, existing vehicular access and adjacent area for future parking made one lake a better candidate for this use relative to other lakes.

Due to public health and safety concerns, hazards along the slopes or within the lakes decreased the suitability of a lake for active recreational use. In addition, lakes where active recreation may interfere with water management operations (surface water or stormwater diversions, recharge) were assigned a negative point. Finally, the potential for adverse water quality impacts was also considered.

Note that only two lakes scored positively for active recreation: Cope Lake and Lake A.

Education/Passive Recreation

The COLs provides a unique opportunity for education and passive recreation. When fully operational the lakes will be available for various uses including water conveyance, groundwater recharge, and flood control. Some lakes may be dedicated to one use and others may have multiple uses.

For this evaluation, education and passive recreation includes kiosks, vista points, bird watching, and trails. A more formal educational center could be located in the COLs area (e.g., around Lakes H, I, or Cope), but more analysis would be necessary in regards to suitability for a structure, parking, and vehicular access. In addition, while some of the lakes could accommodate trails, there are areas where trails would not be recommended due to facility conflicts, public safety or habitat concerns. **Table 7** below presents the list of criteria, the highest possible score assigned to each criterion, and the scoring assigned to each lake for education/passive recreation.

In order for a lake to be suitable for education/passive recreation, it needs to be accessible. Existing vehicular access (and space for future parking) would therefore confer an advantage. It would also be desirable for the lake to be close to an urban interface. For this evaluation, urban interface refers to developed land adjacent to the lake, or land proposed for development (e.g., through the EPSP process). Having a trail close to the lake would coincide with the lake's accessibility, and potentially facilitate the formation of longer trail loops for passive recreation.

The advantages of a lake for use for education/passive recreation were balanced against potential conflicts with environmental or safety concerns, and interference with existing or planned Zone 7 facilities.

The results indicate that Lakes A and I would be the most suitable candidates for education/passive recreation.

C. Preliminary Findings

Figure 2 shows the top-scoring lakes for each use evaluated. Generally, only lakes scoring at least 50% for a use were counted as suitable and included in the top three.

Table 2. Evaluation of the Lakes for Stormwater Storage

Stormwater Detention											
Criteria	Highest Possible Score	H	I	Cope	G	F	E	D	C	B	A
PROS											
Adjacent to Arroyo Mocho ^a	4	4	0	4	4	0	4	0	0	0	0
Average available storage capacity at >=75% of 5,000 AF ^b	1	0	1	1	0	0	1	1	1	1	0
CONS											
Impediments between arroyo and lake ^c	0	0	N/A	0	-1	N/A	0	N/A	N/A	N/A	N/A
Degradation of recharge capacity ^d	0	-1	-2	0	0	0	-1	-1	-1	-1	-1
TOTAL SCORES (points)	5	3	-1	5	3	0	4	0	0	0	-1
TOTAL SCORES (%)		60%	0%	100%	60%	0%	80%	0%	0%	0%	0%

Notes:

a. Only proximity to Arroyo Mocho is considered due to the fact that Arroyo del Valle is a dam-controlled stream and flooding is only expected to occur along the Arroyo Mocho.

b. 5,000 AF is the estimated maximum capacity that would be required during a 100-year flood event. Assumed GW level at 300 ft for H, I and Cope.

c. Impediments include roadways, railroad tracks, berms, other lake/s.

d. Degradation of recharge capacity

0 = no potential for groundwater recharge; -1 = potential for groundwater recharge; -2 = designated recharge lake

Table 3. Evaluation of the Lakes for Groundwater Recharge

Groundwater Recharge											
Criteria	Highest Possible Score	H	I	Cope	G	F	E	D	C	B	A
PROS											
Available downgradient recharge face ^a	3	1	3	0	0	0	1	2	2	3	1
Available vertical capacity to create head pressure ^b	2	2	2	NA	NA	NA	2	2	1	0	0
CONS											
Recharge entering adjacent lake ^c	0	-1	0	NA	NA	NA	0	0	-1	0	-1
TOTAL SCORES	5	2	5	0	0	0	3	4	2	3	0
TOTAL SCORES (%)		40%	100%	0%	0%	0%	60%	80%	40%	60%	0%

Notes:

a. Available recharge face was scored as follows:

- 0 - Less than 100,000 sq. ft
- 1 - 100,000 to 200,000 sq. ft
- 2 - 200,000 to 400,000 sq. ft
- 3 - 400,000 sq. ft or greater

b. Vertical Capacity for head pressure is determined by the difference in elevation between maximum allowed water elevation and the average groundwater elevation. Lakes were scored as follows:

- NA - Ranked 0 for available recharge face
- 0 - Less than 10 feet available
- 1 - 10 to 25 feet available
- 2 - >25 feet available

c. A negative score was given if greater than 50% of the recharge available would be entering an adjacent lake instead of directly into the aquifer.

Table 4. Evaluation of the Lakes for Recycled Water Storage

Recycled Water Storage											
Criteria	Highest Possible Score	H	I	Cope	G	F	E	D	C	B	A
PROS											
Total storage capacity at $\geq 2,000$ AF ^a	1	0		1	1	1	1	1	1	1	0
Distance to urban interface	1	1		0	1	1	1	0	0	0	0
CONS											
Potential for water quality impacts ^b	0	-1		-1	0	0	0	0	0	0	-1
Groundwater recharge potential ^c	0	-2		0	-1	0	-2	-2	-1	-1	0
TOTAL SCORES (points)	2	-2	N/A	0	1	2	0	-1	0	0	-1
TOTAL SCORES (%)		0%		0%	50%	100%	0%	0%	0%	0%	0%

Notes:

a. According to DSRSD, they will require storage with a yield (after any losses due to evaporation, etc.) of 900-1,200 AF. Depending on weather conditions, recycled water storage would begin in late February or early March and drawdown anytime between late June to mid-August.

b. Potential for adverse water quality impacts.

0 = not bordering any water supply facility

-1 = bordering water supply facility

c. Groundwater recharge potential

0 = 0-20% score on groundwater

-1 = 20-50% score on groundwater

-2 = >50% score on groundwater

N/A = designated recharge lake/s are not considered for recycled water storage

Table 5. Evaluation of the Lakes for Habitat Corridor – Conservation

Habitat Corridor - Conservation											
Criteria	Highest Possible Score	H	I	Cope	G	F	E	D	C	B	A
Adjacent to existing upland or riparian habitat ^a	4	2	2	3	0	0	1	0	0	3	4
Distance to urban interface ^b	1	1	0	1	1	1	1	1	1	1	1
TOTAL SCORES (points)	5	3	2	4	1	1	2	1	1	4	5
TOTAL SCORES (%)		60%	40%	80%	20%	20%	40%	20%	20%	80%	100%

Notes:

a. Existing habitat was calculated by measuring linear feet at top of slope directly adjacent (without any major impediments) to either riparian or upland habitat.

Points were assigned as follows:

0 - <500 linear feet; 1 - 500 to 2,500 linear feet; 2 - 2,500 to 5,000 linear feet; 3 - 5,000 to 7,500 linear feet; 4 - >7,500 linear feet

b. Distance to urban interface was calculated by measuring the linear feet at top of slope that is adjacent to urban development or a major road. Proposed EPSP development is also included.

Points were assigned as follows:

0 - More than 50%; 1 - Less than 50%

Table 6. Evaluation of the Lakes for Active Recreation

Active Recreation											
Criteria	Highest Possible Score	H	I	Cope	G	F	E	D	C	B	A
PROS											
Proximity to existing or planned park	1	0	1	1	0	0	0	0	0	0	1
Proximity to urban interface	1	0	1	1	0	0	0	1	1	1	1
Slope easy to traverse (less than 2:1 gradient) ^a	2	0	1	2	0	0	0	0	0	0	0
Existing safe access ramp to the water in at least one location	1	1	1	0	0	0	0	0	0	0	1
Existing vehicular access and adjacent area for future parking	1	1	1	1	1	1	1	0	0	0	1
CONS											
Slope hazards (e.g., riprap, debris)	0	-1	0	-1	0	0	0	0	0	0	0
In-lake hazards	0	0	-1	-1	-1	0	0	0	0	0	0
Operational challenges	0	-1	-1	-1	0	0	0	0	0	0	-1
Potential for adverse water quality impacts ^b	0	-2	-3	-1	-2	-1	-2	-2	-2	-2	-2
TOTAL SCORES (points)	6	-2	0	1	-2	0	-1	-1	-1	-1	1
TOTAL SCORES (%)		0%	0%	17%	0%	0%	0%	0%	0%	0%	17%

Notes:

a. Slopes less than 2:1 are scored as follows:

0 - Less than 10% of lake slopes; 1 - 10-30% of lake slopes; 2 - Greater than 30% of lake slopes

b. Potential for adverse water quality impacts

0 = no potential impact; -1 = potential for surface water impact; -1 = potential for surface water impact; -2 = potential for groundwater impact; -3 = designated recharge lake

Table 7. Evaluation of the Lakes for Education/Passive Recreation

Education/Passive Recreation											
Criteria	Highest Possible Score	H	I	Cope	G	F	E	D	C	B	A
PROS											
Existing vehicular access and adjacent area for future parking	1	1	1	1	1	1	1	0	0	0	1
Proximity to urban interface	1	0	1	1	0	0	0	1	1	1	1
Proximity to existing or planned educational facility/park	1	0	1	1	0	0	0	0	0	0	1
Proximity to existing trail	1	0	1	0	0	0	1	1	0	1	1
CONS											
Potential conflict with environmental or safety concern	0	-1	-1	-1	0	0	0	0	-1	0	0
Potential conflict with existing or planned facilities	0	-1	0	-1	0	0	0	0	0	0	0
TOTAL SCORES (points)	4	-1	3	1	1	1	2	2	0	2	4
TOTAL SCORES (%)		0%	75%	25%	25%	25%	50%	50%	0%	50%	100%

Notes:

Education would include kiosks along trails or possible vista points.

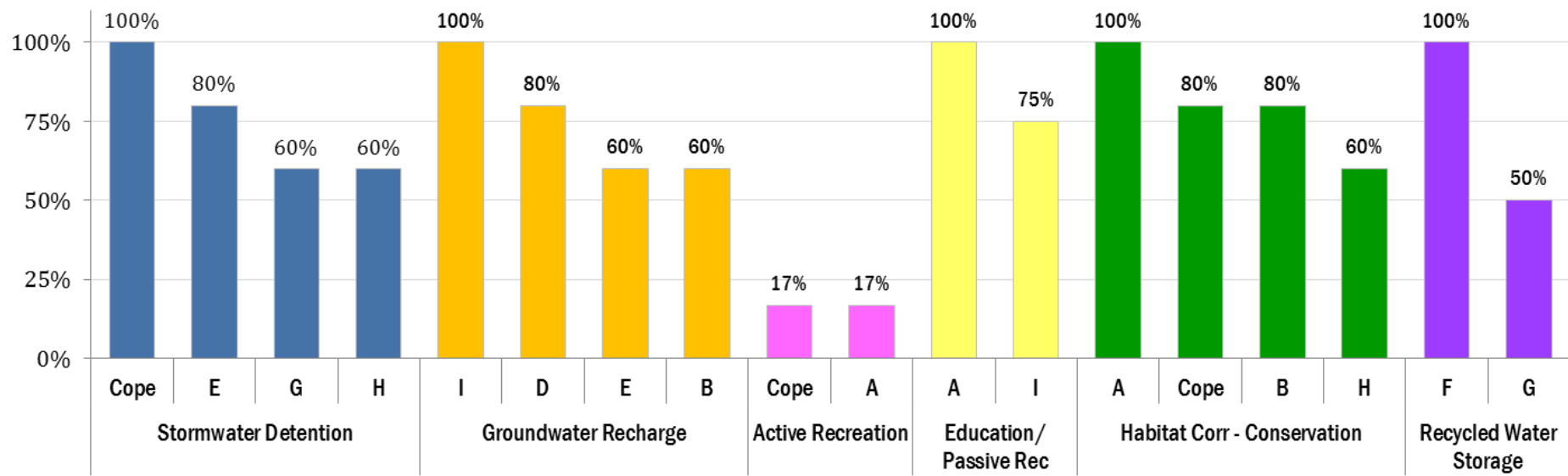


Figure 2. Top-Scoring Lakes for Each use

For the primary uses, all lakes were assigned 100% for surface water storage and conveyance. The top-scoring lake for stormwater storage was Cope Lake, with a score of 100%. Lake E was also identified as very suitable for stormwater storage at 80%. Lakes G and H followed at 60% due to the smaller capacities of those lakes. The top-scoring lake for groundwater recharge was Lake I with a top score of 100%; as noted, this is consistent with its currently designated use. Lake D was identified as a strong candidate for groundwater recharge as well with a score of 80%. Lakes E and B could also contribute towards groundwater recharge activities.

The secondary uses are also represented on the graph. In the case of active recreation, only two lakes had a positive score, Lakes A and Cope. As a result, these two lakes are shown as the top-scoring lakes. If Cope Lake is to be used for active recreation, this use would need to be coordinated with Cope Lake's potential primary use for stormwater storage. Lakes A and I scored highest for education and passive recreation. As previously noted, Lake I is a strong candidate for public education because of its location and, given its use, provides a powerful backdrop for educating the public about water management. Several of the lakes (Cope Lake and Lakes A, B, H) are good candidates for habitat corridor – conservation. In the near-term, the east sides of Cope Lake and Lake H could be preserved as a habitat corridor, allowing for wildlife to move between the riparian areas of the Arroyo Mocho and upland habitat. This would not conflict with the use of the lakes for stormwater storage. Finally, Lakes F and G are potential candidates for recycled water storage; however, use of either lake for this purpose would remove that lake from the chain of surface water conveyance and would therefore require re-plumbing of the pipelines in the COLs.

D. Next Steps and Schedule

After receiving the Board's input and public feedback at the October 2013 Board meeting, staff will proceed with preparing a report documenting the results of the preliminary lake use evaluation and providing recommendations for the Board's consideration in November 2013. If the report is approved by the Board, it could serve as the basis for the Board's formal input into the EPSP with regards to the use of Cope Lake and Lakes H and I. The overall proposed schedule for this effort, and the EPSP development, is presented below on **Figure 3**.

ACTIVITY/DELIVERABLE	2013										
	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Resources Committee Meeting											
Board Meeting											
Retailer Workshop											
Draft COL Lake Use Eval – H, I, Cope											
Draft COL Lake Use Eval – All Lakes											
COL Lake Use Eval – Adoption?											
EPSP Task Force Meetings											
Draft EPSP and Draft EIR											

Figure 3. Schedule for the Development of the COLs Lake Use Evaluation and EPSP

OTHER CHAIN OF LAKES ISSUES:

The Surface Mining Permits (SMP) are subject to periodic reviews by Alameda County, which administers the Surface Mining and Reclamation Act (SMARA) on behalf of the state. SMP – 23, issued to CEMEX, covers Lakes A and B and was recently reviewed by the County and Zone 7. Based on the results of the review, CEMEX has submitted an amendment to the SMP-23 reclamation plan which proposes modifications to both Lakes A and B. Zone 7 is assessing the impacts to our long-term operations of the proposed changes. These changes include:

- 1.) Deepening Lake B to a final depth of elevation 150 feet mean sea level (msl), which is a change from the originally-approved depth elevation of 340 feet msl.
- 2.) Changing the footprint of Lake B, moving the extent of the lake farther north.
- 3.) Reducing the mining in Lake A to simply accommodate the facilities required to meet the SMP and the agreement with Zone 7.
- 4.) Keeping the Arroyo del Valle separate from the Lakes and realigning a portion of it.
- 5.) Redesigning the diversion and conduits to support the new lake configurations while still accommodating Zone 7's future water needs.

These changes are being assessed for potential benefits and impacts to Zone 7's long-term operations. Staff is continuing to work with the County and CEMEX on their proposal.

Potential drawbacks may include:

- Mining deeper in Lake B may not increase its capacity to accept recharge water because local average groundwater levels will limit any additional capacity.
- Mining through the dividing clay between the upper and lower aquifer could expose the lower aquifer to evaporative losses.
- A lowered spillway in the current proposal by CEMEX at the western end of Lake B could result in lost groundwater from overflow of the lake into the Arroyo Valle in years with higher than average groundwater.
- Additional dewatering required to mine deeper could result in additional groundwater losses from the lower aquifer over an extended period of time.
- The current monetary compensation rate for lost groundwater due to dewatering does not cover the actual cost of the purchase of replacement water.

Staff continue to work with the County and CEMEX to protect Zone 7's interests, and are focusing on the following:

- Design of the diversion structure into Lake A and the alignment of Arroyo Valle
- Depth and locations of conduits between lakes
- The final configuration of Lake B (depth, slopes, access, O&M) and its relationship to the adjacent Lakes C and D being mined separately by Vulcan Materials under a different surface mining permit.
- The alternative means of addressing the additional groundwater displaced from the lower aquifer by mining deeper.
- Potential to expedite the transfer of Lake A prior to the end of mining under SMP-23 to Zone 7 if this lake is no longer needed by CEMEX once mining of this lake is completed and facilities are constructed.

In addition, staff are exploring options to address the potential impacts that the amendment could have on our operations. Such options may include renegotiating the contract between Zone 7 and CEMEX to adjust the amount of compensation from CEMEX to Zone 7 for groundwater lost from the basin to reflect the cost of replacing the losses caused by mining operations and dewatering of the aquifer or negotiating other means to reclaim the mining operations water for groundwater recharge.



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: FACILITIES ENGINEERING
CONTACT: JACK FONG/RHETT ALZONA

AGENDA DATE: October 16, 2013

ITEM NO. 10

SUBJECT: Award of Contract for the DVWTP Caustic Soda Storage Tank Relining Project

SUMMARY:

- The project scope includes rehabilitation repairs and fiberglass reinforced plastic (FRP) relining of the interior of two existing FRP chemical storage tanks at the Del Valle Water Treatment Plant (DVWTP). Work also includes coating the interior for the concrete secondary containment structure.
- Per CEQA guidelines, Zone 7 staff prepared a Notice of Exemption for the project and filed it with the Alameda County Clerk and Recorder's Office on October 1, 2013.
- In accordance with the California Public Contract Code, Zone 7 advertised the project on September 12 and 19, 2013. The Engineer's estimate for the project scope is \$300,000.
- On September 30, 2013, two bids for \$215,550 and \$257,000 were received.
- The bids were reviewed by Zone 7 staff and it was determined that the lowest responsive and responsible bidder is Picon FRP, Inc., with a bid of \$215,500.
- The lowest bidder, Picon FRP, Inc., has complied with the bid requirements.

FUNDING:

Funding for the project is available in Fund 120, Renewal/Replacement and System Wide Improvements.

RECOMMENDED ACTION:

Consider bids for the construction of the DVWTP Caustic Soda Storage Tank Relining Project and adopt the attached resolution to:

- 1) Approve plans, specifications, appendices, and addenda;
- 2) Accept the bid and award a contract to Picon FRP, Inc., as the lowest responsive and responsible bidder for the bid amount of \$ 215,500;
- 3) Authorize the General Manager to negotiate and execute the contract with Picon FRP, Inc., in an amount not-to-exceed \$215,500; and
- 4) Authorize the General Manager to issue change orders as and when needed in an amount not-to-exceed \$ 21,550 (10% of contract amount).

ATTACHMENTS:

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

Interoffice Memo

Date: October 16, 2013
To: Jill Duerig, General Manager
From: Jack Fong, Associate Civil Engineer
Subject: Award of Contract for the DVWTP Caustic Soda Storage Tank Relining Project

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

BACKGROUND:

The Del Valle Water Treatment Plant (DVWTP) Chemical Systems Improvements project included upgrading the existing sodium hydroxide (caustic soda) storage capacity because the existing single tank does not provide adequate capacity. The DVWTP has operated with a single tank system since the initial plant construction in 1974, even after the 1988 plant expansion increased the capacity from 18 to 36 million gallons per day (MGD). Subsequent DVWTP improvements and plant optimization efforts have increased the plant capacity to 40 MGD. The caustic soda storage tank has a nominal storage capacity of 8,000 gallons and currently provides only eight days of chemical based on a 40 MGD plant rate and an estimated average annual dosage of 18 mg/L. Industry standard is to provide a minimum of fifteen days of storage for all key chemicals to maintain plant production in the event of delivery disruptions.

The caustic soda storage tank is located indoors in the first story of the Control Building in a secondary containment structure, along with an abandoned aluminum sulfate (alum) storage tank, also 8,000 gallon capacity. Caustic and alum are considered incompatible and should not share secondary containment; converting the former alum tank for caustic use solves this issue as well. While the tanks are old, a condition assessment was made and they are structurally sound and only need relining to extend the service life another 25 to 30-years. Also, the proposed design effectively builds a “new tank within a tank” and the corrosion barrier layer is renewable.

DISCUSSION:

This project proposes to rehabilitate the existing fiberglass reinforced plastic (FRP) caustic soda storage tank and to convert the old alum tank, also of FRP, to store caustic soda. The project adds a new corrosion barrier of FRP, approximately 1/8-inch thick, to each storage tank. The original alum tank will be converted to store caustic soda by first installing an enhanced structural layer of FRP (approximately 0.25-inch thick) to strengthen the existing tank shell. Caustic soda is moderately heavier as a chemical than alum. The proposed resin layer will be compatible with caustic soda and is NSF-61 certified. Other major work includes confined space entry to clean, inspect, and repair tank interior for localized chemical or structural damage, and to submit an inspection report. Also, the original tank access hatch and cover assembly will be replaced with a new assembly that will be leak tight. The new assembly will also include an additional safety feature to allow inter-connecting the tanks to minimize the potential to overfill during a chemical delivery. Pending the inspection report for the condition assessment of the caustic soda tank, Zone 7 may elect to proceed with an enhanced structural layer of FRP for that tank also. The estimated cost is \$60,000, and is included in the lowest bidder's contract price and in the Engineer's estimate.

Additional work includes coating the interior of the existing concrete secondary containment structure. The proposed coating system is designed to provide 72-hour containment for a caustic soda spill, as required by Alameda County Department of Environmental Health (ACDEH).

Per CEQA guidelines, Zone 7 staff filed a Notice of Exemption for the project with the Alameda County Clerk-Recorder's Office on October 1, 2013.

The project was advertised in compliance with the California Public Contract Code. In addition, copies of the plans and specifications were posted with twenty-two Northern California Builders Exchanges and on Zone 7's website. On September 30, in accordance with established procedures, the following two bids were received:

<u>Name of Firm and Location</u>	<u>Total Bid Amount</u>
Picon FRP, Inc., San Pablo, CA.	\$215,500.00
Fiberglass Unlimited, Inc., San Carlos, CA.	\$257,000.00

The Engineer's cost estimate for the project scope under this contract is \$300,000.

The low bid was reviewed by Zone 7 staff. The bidder has complied with the bid requirements and was determined to be responsive to the contract requirements. Although only two bids were received, the low bid is reasonable and the contractor is highly experienced with building and relining FRP chemical storage tanks for water and wastewater treatment facilities, based on Zone 7's staff's review of their project references. Staff recommends the award of contract to the lowest responsive and responsible bidder, Picon FRP, Inc., in an amount not-to-exceed \$215,500.00. Additionally, staff recommends that the General Manager be authorized to negotiate and issue change orders if and when needed in an amount not-to-exceed \$21,550.00 (10% of contract amount)

SCHEDULE:

Construction is scheduled to commence in mid-November 2013. Substantial completion of the relining of the original alum tank to store caustic soda is anticipated by early March 2014 and relining the current caustic soda tank is anticipated by early May 2014.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Award of Contract for the DVWTP Caustic Soda Storage Tank Relining Project

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District has a project for the construction of the DVWTP Caustic Soda Storage Tank Relining Project; and

WHEREAS, a Notice of Exemption per the California Environmental Quality Act (CEQA) guidelines was prepared and filed for the project; and

WHEREAS, bids were received and publicly read by the Zone 7 General Manager's authorized representatives at the Zone 7 Administration Office, 100 North Canyons Parkway, Livermore, California on September 30, 2013 at 2:00 p.m.; and

WHEREAS, the lowest responsive and responsible bid received for this project is the bid by Picon FRP, Inc., with a bid amount of \$215,500.00.

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 approve the plans, specifications, appendices, and addenda for the DVWTP Caustic Soda Storage Tank Relining Project; and

BE IT FURTHER RESOLVED that the bid of the lowest responsive and responsible bidder, Picon FRP, Inc., be accepted, and that the contract for the work be awarded to Picon FRP, Inc., in an amount not to exceed \$215,500; and

BE IT FURTHER RESOLVED that the General Manager be authorized to negotiate and execute the contract on behalf of Zone 7 of the Alameda Flood Control and Water Conservation District with Picon FRP, Inc., in an amount not-to-exceed \$215,500.00; and

BE IT FURTHER RESOLVED that the General Manager be authorized to negotiate and issue change orders as and when needed in an amount not to exceed \$21,550.00.

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 October 16, 2013.

By _____
President, Board of Directors

Water Resources Committee
September 24, 2013
Meeting Summary

Directors Present: J. Greci, A. Machaevich, B. Stevens

Staff Present: J. Duerig, C. Mahoney, A. Flores, C. Winey, T. Church, K. Arends

Director Stevens called the meeting to order at 4:00 p.m., with Directors Greci and Machaevich present.

1. Public Comment on Items Not on Agenda

There were no public comments.

2. Chain of Lakes Evaluation Update

Ms. Winey presented an update on the Chain of Lakes Use Evaluation Plan that continued the discussion from the June 2013 Water Resources Committee (WRC) and Board meetings. “Primary Uses” that help Zone 7 fulfill its mission were identified as Flood/Stormwater Detention, Groundwater Recharge, and Surface Water Storage and Conveyance. “Secondary Uses” may allow a lake to have multiple benefits but must be compatible with Primary Uses. Secondary Uses included Recycled Water Storage, Habitat Corridor and Conservation, and both Active and Passive Recreation. Staff presented the scoring criteria and the initial scores for all the lakes. In order to normalize scores, scores were presented as a percentage of the maximum possible points.

In response to questions from the Directors, it was noted that the Groundwater Recharge scores were based on connection to the upper and lower aquifer combined. Only Lakes B, C, D, and E are proposed to be mined to a depth that encounters the lower aquifer. The scores reflect currently approved conditions and those assumed to be approved through pending amendments. This allows Zone 7 to evaluate the benefits or impacts of such an approval of the currently pending amendment on SMP-23 for Lakes A and B by the County. Additional questions from Directors regarding storing recycled water in the lakes were addressed by staff and the General Manager in that this preliminary evaluation simply presents the relative suitability of various uses, and additional considerations—such as the need to replumb the other lakes if a lake is used for recycled water storage—would need to be addressed in later analysis. It was recommended that staff should consider whether recycled water should be in the Primary Use category.

Valley Trails representative, Joseph Cunningham, said that he was satisfied with what he had seen so far and asked if Cope Lake, which was identified for stormwater detention use, has sufficient capacity. Ms. Mahoney responded that Zone 7 is in the process of developing a hydraulic model that will clarify how much storage would be required, but that multiple lakes had been identified that could provide regional stormwater storage.

Pat Costanzo, a developer representing Kiewit (a property owner within the EPSP), asked what was Zone 7's definition of "passive recreation" and what recreational uses may be possible. He stated that the development community would like guidelines from Zone 7 regarding the use of the lakes for recreation.

Staff clarified that Passive Recreation could include such things as trails, bird watching, and other activities that do not involve body contact with lake water. Ms. Mahoney stated that when specific development plans are available, the developers should bring those proposals to the Board for consideration.

The Directors stated that they were not supportive of committing staff to develop recreation plans and reiterated that developers or other funding partners should present a specific proposal to the Board for consideration, recognizing that developers will need to be responsible for the associated cost and liability of any recreational facilities requested on Zone 7 owned land. Additionally, while active mining continues, Zone 7 cannot create a liability issue by having recreation on haul roads or in the way of quarry maintenance.

The Directors directed staff to present the preliminary evaluation of lake uses at the October 2013 Board meeting.

3. SMP-23 Amendment Update

Ms. Winey summarized the updates included in the proposed SMP-23 Amendment which covers Lakes A and B. The amendment includes changes to the formerly approved 1987 configuration of the lakes, cross-sections of Lake B to C, including a proposed overflow from Lake B into the Arroyo Del Valle, the proposed realignment of the arroyo and modifications to conduits and diversions. Staff also pointed out that the overflow elevation is currently at or near the average groundwater elevation meaning that additional water may not be able to be added to the lake to provide the needed pressure-head to facilitate groundwater recharge. CEMEX is looking into whether they can raise the downstream berm without creating a dam. If plans for Lake B cannot be modified to eliminate the overflow structure then 1.) The lower aquifer would be exposed to evaporation if mining continues to the proposed depth, and 2.) Water could be lost to the Arroyo Del Valle in high groundwater years.

In response to questions from Directors regarding Lake A, staff explained that CEMEX is still studying what may be possible for mining at that lake given the former slope instabilities. At a minimum, they will mine enough to provide Zone 7 with the agreed facilities. Ms. Winey stated that Lake A is not currently in a state to be turned over to Zone 7, but the actual timeline is still being discussed. Likewise, the timeline for realigning the Arroyo Del Valle is not yet known. The Directors also commented on the use of Lake A to decant sediment before it clogs the recharge faces of other lakes. It was noted by Directors that there is a bigger issue at stake if Zone 7 loses water from Lake B, in that Zone 7 may not be able to get more water from the State in the future to replace it. Ms. Winey responded that Zone 7 is working with CEMEX to keep the water in the basin as much as possible.

4. Strategic Planning Priorities

The Committee recommended modifying the Strategic Planning Priorities to include the following:

- 1.15 Develop long-term balanced management of watersheds.
- 1.16 Maintain the watershed to improve source water quality to protect public health and safety.

5. Verbal Comments

Director Stevens recommended that staff give the CEMEX presentation to the Board in addition to the update on the Chain of Lakes Use Evaluation.

6. Adjournment

The meeting was adjourned at 5:06 p.m.

Administrative Committee
October 10, 2013
Meeting Summary

Directors Present: J. Greci, S. Palmer, D. Quigley
Staff Present: J. Duerig, C. Mahoney, T. Hughes

Director Palmer called the meeting to order at 3:30 p.m., with Directors Greci and Quigley present.

1. Public Comment on Items Not on Agenda

There were no public comments.

2. Guiding Principles for Board Members

On August 19, 2013, the Board had its annual retreat. One of the topics that was discussed was a summary set of Guiding Principles that would highlight key portions of “Zone 7 Water Agency’s Board Policy on Conducting Business” and the “Gentleperson’s Agreement.” The result of that retreat discussion was presented at the September 18, 2013 Board Meeting. President Stevens proposed some additional bullet items taken generally from the Policy on Conducting Business:

- Acts with decorum at and outside board meetings so as to reflect well on Zone 7.
- Cannot represent or commit Zone 7 without action by the full board.
- Contacts the General Manager or the Clerk of the Board with requests rather than going directly to staff.

Several of the board members felt these should be discussed further before including them as Guiding Principles. The board then adopted Guiding Principles consistent with those originally discussed at the retreat. Subsequent to that discussion, President Stevens referred the matter to the Administrative Committee for further discussion and consideration.

The committee discussed the three additional bullets proposed by President Stevens. In particular, committee members felt strongly that a single board member cannot speak for or on behalf of Zone 7 without action by the full board designating them to do so. When speaking in or writing for public forums, the committee felt it is critical to differentiate personal opinion from Zone 7’s adopted positions. While directors being out in the public generally enhances Zone 7’s transparency and visibility, speaking as a member of the public provides more freedom to offer individual opinions.

The committee also discussed the need to go through the General Manager to assure appropriate use of staff resources.

By unanimous vote, the committee directed staff to present the modified additional bullets to the full board for consideration at the October 2013 Board meeting, with the committee’s recommendation for approval.

3. Update on Independence – negotiations with Contra Costa County

Staff described the October 3, 2013 meeting of the Contra Costa Board of Supervisors' Transportation, Water & Infrastructure (TWI) Committee. Generally, Contra Costa's TWI Committee (made up of Supervisors Candace Andersen and Mary Piepho) was supportive of the Principles of Understanding developed to guide staff in the review of legislative language for Zone 7's future separation legislation. Supervisor Andersen emphasized her support for actions, which would allow residents of Dougherty Valley to vote for the Zone 7 board. TWI directed staff to prepare a consent item for the Board of Supervisors to consider the Principles at a future meeting and to notify Alameda County of the proposed action.

There was a brief discussion of the various points of the agreement. Staff provided further clarification on several points.

By unanimous vote, the committee directed staff to bring the Principles of Understanding to the full Board for consideration, with the committee's recommendation for approval.

4. Verbal Comments

There were no verbal comments.

5. Adjournment

The meeting was adjourned at 3:55 p.m.

10 /16/13 Board Written/narrative Comments by Dick Quigley

September 22/23: Region 5 hosted their fall program in Carmel on Sunday, September 22, and Monday, September 23. The program, entitled “Water Reliability: An Environmental Balancing Act,” focused on regional water reliability. On Sunday, September 22, attendees gathered at Chateau Julien Wine Estate to take the Grand Estate Tour where they learned how climate change, soil drainage, and aquifer preservation all affect the growing and winemaking process. On Monday, September 23, participants attended a program at the Carmel Sunset Center with programs about the desalination and water supply reliability on the Monterey Peninsula. For more info see:

[Blog Post: Region 5 Tackles Water Reliability Issues on the Central Coast](#)

September 27: Attended ACWA board meeting at EBMUD headquarters in Oakland. In a move aimed at advancing water policy in California, the ACWA Board of Directors unanimously approved a Statewide Water Action Plan that calls for a broad suite of actions to improve overall water supply reliability and serve as a sustainable path forward for the state.

See more: [ACWA Board Approves Statewide Water Action for California \(ACWA web site\)](#)

October 2: Attended the Pleasanton Chamber's political action committee, BACPAC, BBQ networking meeting: Community Vision is the barometer by which to endorse and fund candidates for elected office at all levels of government, with the greatest emphasis at the local level.

October 3: Attended the Tri Valley Conservancy annual fundraising dinner. Land trusts protect a variety of lands, but many concentrate their efforts on: natural habitat for wildlife, fish and plants such as prairies, forests, bluff lands, or wetlands; watershed areas like lakeshores, rivers, streams, and other natural features; and scenic landscapes, particularly those with local community, cultural or historic significance. Working landscapes like farmland and ranchland have special significance for growing food.

October 9: Participated in an ACWA Region 5 board meeting conference call aimed at setting up December 3, 9:30 – 11:00 a.m.: “Water Investments: Coloring Outside the Box” panel. With today’s heightened focus on conservation, it’s important to be careful how we use water for non-consumption uses. Recycled water, grey water, and black water can be used in a variety of ways that do not take from our drinking water supply. At this program participants will learn how using creative water recycling methods can extend the water supply and help maintain a healthy water source.

Please 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: October 16, 2013

ITEM NO. 14a

SUBJECT: GENERAL MANAGER'S REPORT

SUMMARY: The following highlights a few of the key activities which occurred during September. Also attached is a list of the General Manager (GM) contract(s) executed during the month.

Environmental & External Affairs:

- The nearly 25,000 pages of the Bay Delta Conservation Plan (BDCP) and related documents assessing environmental impacts will be submitted to the federal regulatory agencies around the middle of October for formatting and review for the anticipated formal public comment period, which will begin with publication in the Federal Register on November 15, 2013; however these dates will likely change due to the federal government shutdown. There are plans for an extended public comment period of 120 days. This extended public comment period will allow interested parties the time needed to comment, and will address possible time constraint issues because of the holiday season. In anticipation of the increased public interest, the BDCP website has been updated: <http://www.baydeltaconservationplan.com/Home.aspx>.
- Secretary of Natural Resources John Laird continues to have staff work on a Statewide Water Action Plan (SWAP) that should be announced by the governor about the same time as the BDCP. As one of the stakeholders, ACWA has provided input on SWAP. Previously, a simple executive summary of DWR's California Water Plan has been issued satisfying the same objective of highlighting current statewide water issues and goals.

Engineering and Flood Control:

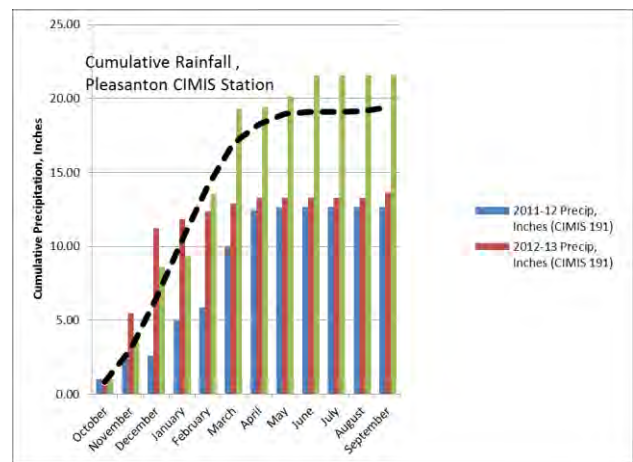
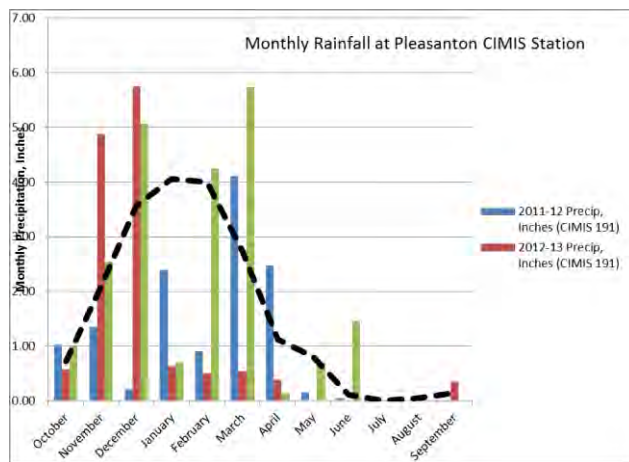
- Staff are continuing to coordinate with the Castlewood Country Club to assure removal of the concrete debris resulting from a failed weir before the rainy season begins and the debris could cause flow obstructions and result in upstream flooding.
- The September 19 destruction of the former Camp Parks well using explosives went smoothly. Kinder Morgan had two people on site during the blast (due to the proximity of their high-pressure pipeline) and seemed satisfied. Concrete grout was used to plug the well as the final step in the destruction. The only work remaining is some site cleanup around the well.

Finance & Administration

- South Bay Aqueduct contractors have been working together to encourage the Department of Water Resources to develop and implement a communications and operations plan. The contractors submitted a draft plan that is now awaiting DWR review and comment.

Operations and Maintenance:

- Lake Del Valle reached a level of 692.6 feet (total of 33,000-acre feet of water in storage) as of September 26, 2013. DWR continues to release 75 cubic feet per second (CFS) from Lake Del Valle (a 25% blend with water from the Aqueduct) to improve treatability of the water at DVWTP.
- Production through the Del Valle Plant dropped as low as 17.5 million gallons per day/MGD (with 16 backwashes) on September 1st but as algae started to fade (as indicated by a drop in fluorescence), production was increased and by the 6th had reached 32.2 MGD (with 14 backwashes). The cause of needing so many backwashes is still unclear but at least production had returned to a more reasonable level in time for the early September heat wave. A second algal bloom near the end of the month did not substantially limit production.
- Staff continue to work with the Patterson Pass ultra-filtration membrane supplier to determine the cause of module failures, which are limiting production. The objective is to identify the cause of failure prior to ordering new modules.
- To end the water year, about 0.35 inch of rainfall was received during the September 21st storm, bringing total precipitation to about 70% of average:



Monthly List of GM Contracts

September 2013

Contracts:

Cameron-Cole	\$ 10,980	Verify Greenhouse Gas Emissions reported to The Climate Registry (TCR) for years 2010-2012
Yorke Engineering, LLC	50,000	Environmental Compliance Support (air quality, hazardous materials, hazardous wastes, safety and pollution prevention)
IEDA	34,000	Labor Relations Services
Kier & Wright	50,000	Drafting/AutoCAD Services in Support of Capital Improvement Program
Total August 2013	\$144,980	



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ORIGINATING SECTION: Administrative Services

CONTACT: Boni Brewer/Mike Wallace

AGENDA DATE: October 16, 2013

ITEM NO. 14b

SUBJECT: Communications Outreach Activities

E-newsletter, September 23rd

The e-newsletter provided updates on Zone 7's Chain of Lakes evaluation as well as on the Bay Delta Conservation Plan's environmental review process, and thanked community volunteers who participated in September 14 creek cleanups in Livermore and Dublin in commemoration of International Coastal Cleanup Day. The e-newsletter remains posted with other archived newsletters on Zone 7's website, www.zone7water.com/news/enewsletter-a-signups.

Livermore Children's Fair, September 13th

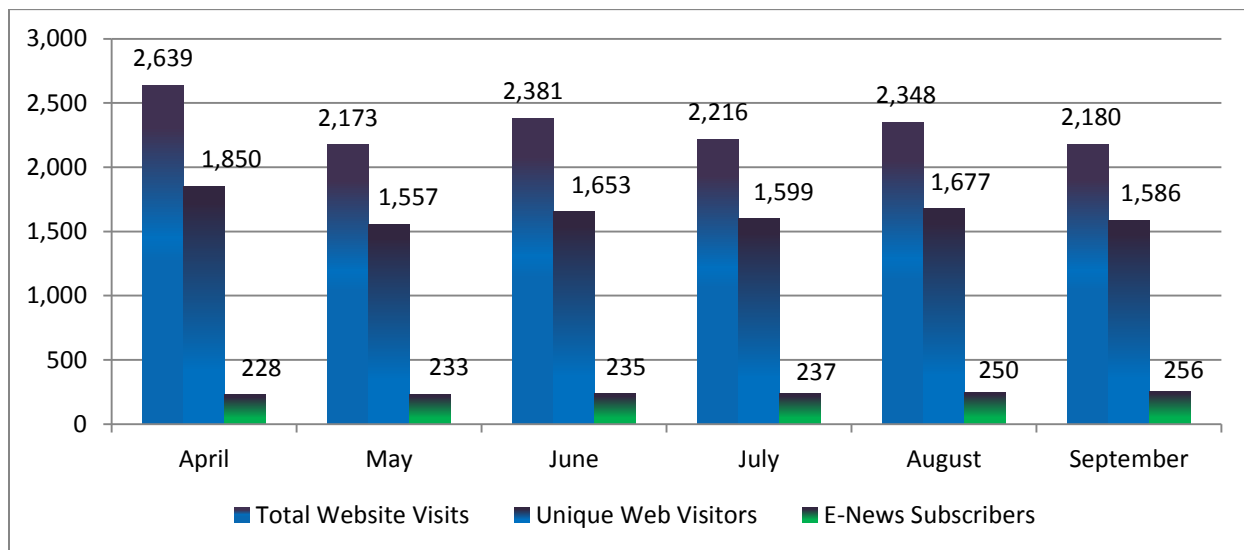
Zone 7 had a booth at this fun and informative event, which was held at the Robert Livermore Community Center and was sponsored by the Livermore Area Recreation and Park District. We offered games and craft activities that taught children and their families more about water conservation and stormwater pollution prevention.

E-Newsletter signup promotion



In order to make it even easier for the public to subscribe to Zone 7's e-newsletter, which serves as an environmentally friendly and cost-effective form of communication, staff developed a QR Code symbol to be imprinted on future publications for scanning by smart phones.

Website & E-news Subscription Activity





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ORIGINATING SECTION: Administration

CONTACT: Tom Pico/Tim Hunt

AGENDA DATE: October 16, 2013

ITEM NO. 14c

SUBJECT: Legislative Update

SUMMARY:

- Zone 7 staff, with the support of the Agency's lobbying firm, The Gualco Group, Inc., and the Agency's legislative support consultant, Tim Hunt, monitors legislation that is being considered in Sacramento, as well as other political activities of interest to the Agency.
- The Legislature recessed on September 12, finishing the first year of the two-year session. The governor had until October 13 to sign or veto the bills on his desk.
- AB 763 (Buchanan), which would allow the Department of Boating and Waterways to control and potentially eradicate aquatic non-native weeds as well as troublesome native water plants, was passed unanimously by both houses of the Legislature and signed by Governor Brown. It will become law January 1, 2014.
- On September 24, two Senate committees held a joint informational hearing on two separate bills proposing a new reduced water bond to replace the \$11.2 billion measure scheduled for the November 2014 ballot. AB 1331 (Reardon) is a \$6.5 billion bond proposal based upon the principles the Assembly Water, Parks and Wildlife Committee introduced in July. SB 42 (Wolk) is a \$6.475 billion measure that includes \$975 million for Delta levees and, unlike both the Assembly measure and the 2009 bond, does not continuously appropriate money for storage. ACWA continues to advocate for its \$8.2 billion proposal that includes \$3 billion for storage (AB 1331 has \$1.5 billion for storage; SB 42 has \$1 billion). Both bills, although technically dead, will likely be reintroduced and then considered in the Senate Natural Resources and Water Committee next year.
- AB 145 (Perea) was held in the Senate Finance Committee and is dead for the session, but consideration of shifting responsibility for the state's Drinking Water Program from the Department of Public Health to the State Water Resources Control Board continues. The Brown Administration has released a "white paper" proposal that is similar to the bill and the CalEPA and the Health and Human Services Agency have a "Drinking Water Reorganization Task Force" working to develop the transition plan for the proposed transfer. They are also seeking input from a stakeholder work group.

RECOMMENDED ACTION: Information only

ATTACHMENT: Executive Summary



EXECUTIVE SUMMARY State Legislation



Prepared for the Zone 7 Water Agency, Eastern Alameda County
by The Gualco Group, Inc.
October 16, 2013

Bill	Topic	Synopsis	Staff Recommendation	Status of the Bill/Comments as of 10/1/13
Delta Environment				
AB 763 (Buchanan)	Aquatic invasive plants: control and eradication	The bill would designate the Department of Boating and Waterways as the lead agency of the state for the purpose of cooperating with other state, local, and federal agencies in identifying, detecting, controlling, and administering programs to manage invasive aquatic plants, as defined, in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh.	Support	Chaptered by the Secretary of State – Chapter 330, Statutes of 2013
AB 1259 (Olsen)	Sacramento-San Joaquin Valley	This bill related to the Central Valley Flood Protection Plan would include, among the findings that exempt a city or county within the Sacramento-San Joaquin Valley from its prohibitions and requirements, a finding that property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.	Watch	Chaptered by the Secretary of State – Chapter 246, Statutes of 2013
SB 749 (Wolk)	Habitat protection: Endangered species	The bill would require the Department of Fish and Wildlife to annually provide an opportunity for licensed hunters to comment and make recommendations on the public hunting programs, including anticipated habitat conditions in the hunting areas on Type A and Type B Wildlife Areas, as defined under the commission's regulations, through public meetings or other means as the department deems appropriate. This bill would, when agricultural lands are being idled in order to provide water for transfer and an amount of water is determined to be made available by that idling, require landowners to be encouraged to cultivate or retain non-irrigated cover crops or natural vegetation to provide waterfowl, upland game bird, or other wildlife habitat.	Watch	Chaptered by the Secretary of State – Chapter 387, Statutes of 2013

Water Bond

AB 1331 (ASM CMTE on WP&W)	Climate Change Response for Clean and Safe Drinking Water Act of 2004	This bill would enact the Climate Change Response for Clean and Safe Drinking Water Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law to finance a climate change response for clean and safe drinking water program. This bill would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election.	Watch	Technically, DEAD
SB 42 (Wolk)	Safe Drinking Water, Water Quality, and Flood Protection Act of 2014	This bill would enact the Safe Drinking Water, Water Quality, and Flood Protection Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in the amount of \$6,475,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water, water quality, and flood protection program. The bill would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election.	Watch	Technically, DEAD

Drinking Water Program

AB 145 (Perea)	State Water Resources Control Board: Drinking Water	This bill would transfer to the State Water Resources Control Board the various duties and responsibilities imposed on the Department of Public Health by the California Safe Drinking Water Act.	Oppose Unless Amended	Technically, DEAD
AB 1393 (Perea)	Safe Drinking Water State Revolving Fund	This bill would transfer the administration of the fund and grant and loan program to the State Water Resources Control Board.	Watch	DEAD

Water Transfer

AB 426 (Salas)	Water: water transfers: water rights decrees	Under current law, any water right determined under a court decree issued after January 1, 1981, is transferable as specified. This bill would eliminate the requirement that a court decree be issued after January 1, 1981.	Watch	On Governor's Desk
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Water Recycling

AB 803 (Hueso)	Water Recycling Act of 2013	This bill would change reporting requirements for the discharge of treated sewage effluent when defined as recycled water. It also would authorize compliance with effluent limitations for the release or discharge of recycled water determined to be suitable for direct potable reuse or surface water augmentation.	Watch	On Governor's Desk
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AB 1200 (Levine)	Recycled water: agricultural irrigation impoundments: pilot project	This bill would, before October 1, 2014, and until January 1, 2018, permit the San Francisco Bay Regional Water Quality Board to authorize a voluntary pilot project for the purposes of investigating potential water quality impacts associated with maximizing the supplementation of agricultural irrigation impoundments with disinfected tertiary treated recycled water, if the regional board finds that the proposed pilot project satisfies specified criteria. This bill would require the pilot project to include a stakeholder advisory group, composed as prescribed, to review and provide input on pilot project design, implementation, and data analysis. This bill would repeal these provisions on January 1, 2018.	Watch	On Governor's Desk
Public Works				
AB 44 (Buchanan)	Subletting and Subcontracting Fair Practices Act: bidding practices	This bill would, commencing July 1, 2014, require that the California contractor license number of each subcontractor be provided when an entity takes bids for the construction of any public work or improvement.	Watch	Chaptered by the Secretary of State – Chapter 258, Statutes of 2013
SB 731 (Steinberg)	Environmental Quality Act	The bill would require the lead agency, at the request of a project applicant for specified projects, to, among other things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects. The bill would authorize the tolling of the time period in which a person is required to bring a judicial action or proceeding challenging a public agency's action taken pursuant to CEQA through a tolling agreement that does not exceed 4 years. The bill would authorize the extension of the tolling agreement.	Oppose Unless Amended	DEAD
SB 743 (Steinberg)	Environmental Quality Act	This bill would instead require the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval that requires the actions or proceedings, including any appeals therefrom, be resolved, within 270 days of the certification of the record of proceedings. The bill would extend the operation of the judicial review procedures unless the lead agency fails to certify an environmental impact report for an environmental leadership project on or before January 1, 2016. The bill would provide that the above provisions do not apply to a project if the Governor does not certify the project as an environmental leadership development project prior to January 1, 2016.	Watch	Chaptered by the Secretary of State – Chapter 386, Statutes of 2013

Special Taxes: Voter Approval

ACA 8 (Blumenfield)	Local government financing: voter approval	This bill would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district, as defined, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable.	Support	DEAD
SCA 9 (Corbett)	Local government: economic development: special taxes: voter approval	This measure would provide that the imposition, extension or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of 55% of its voters voting on the proposition.	Watch	DEAD
SCA 11 (Hancock)	Local government: special taxes: voter approval	The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, and prohibits a local government from imposing an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property. This measure would instead condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition.	Watch	Senate Committee on Appropriations

Groundwater/Hydraulic Fracturing

AB 7 (Wieckowski)	Oil and gas: hydraulic fracturing	This bill would revise existing procedures to require the operator of a well to file an application before commencing drilling of an oil or gas well, and would prohibit drilling until approval or denial of the application is given by the supervisor or district deputy within 30 working days. The bill would require, on and after January 1, 2014, additional information to be included in the application, including information regarding the chemicals, if any, to be injected into a well. This bill would additionally require the operator prior to drilling, re-drilling, or deepening operations, to submit proof to the supervisor that the applicable regional water quality control board has approved the disposal method and location of wastewater disposal for the well.	Watch	DEAD
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SB 4 (Pavley)	Oil and gas: well stimulation	The bill would require the Secretary of the Natural Resources Agency, on or before January 1, 2015, to cause to be conducted an independent scientific study on hydraulic fracturing treatments. The bill would require an operator of a well to record and include all data on hydraulic fracturing treatments. It would require DOGGR, in consultation with DTSC, the ARB, the SWRCB, the Department of Resources Recycling and Recovery, and any local air districts and regional water quality control boards in areas where hydraulic fracturing treatments may occur, on or before January 1, 2015, to adopt rules & regulations specific to hydraulic fracturing, including governing construction of wells/well casings as specified.	Watch	Chaptered by the Secretary of State – Chapter 313, Statutes of 2013
SB 620 (Wright)	Water Replenishment Districts	Current law, the Water Replenishment District Act, generally authorizes a water replenishment district to establish an annual reserve fund in an amount not to exceed \$10,000,000 commencing with the 2000-01 fiscal year, and thereafter, as that amount is adjusted annually. The act requires a minimum of 80% of the reserve fund to be expended for water purchases. This bill would, until the 2019-20 fiscal year, eliminate the requirement that at least 80% of the reserve fund be expended for water purchases.	Watch	On Governor's Desk

Drinking Water

AB 21 (Alejo)	Safe Drinking Water Small Community Emergency Grant Fund	This bill would authorize the Department of Public Health to assess a specified annual charge in lieu of interest on loans for water projects made pursuant to the Safe Drinking Water State Revolving Fund, and deposit that money into the Safe Drinking Water Small Community Emergency Grant Fund, which the bill would create in the State Treasury.	Watch	On Governor's Desk
AB 115 (Perea)	Safe Drinking Water State Revolving Fund	This bill would authorize a legal entity to apply for grant funding on behalf of one or more public water systems serving disadvantaged or severely disadvantaged communities if specified requirements are met, including having a signed agreement with each public water system for which it is apply for funding.	Watch	On Governor's Desk
AB 118 (ASM ES&TM)	Safe Drinking Water State Revolving Fund	This bill would limit loans and grants from the Safe Drinking Water State Revolving Fund for planning and preliminary engineering studies, project design & construction costs to those incurred by community and not-for-profit non-community public water systems and specify that a small community water system or non-transient non-community water system that is owned by a public agency or a private not-for-profit water company and serves a severely disadvantaged community, is deemed to have no ability to repay a loan.	Watch	On Governor's Desk

[AB 119 \(ASM
ES&TM\)](#)

Water treatment devices

This bill would revise the criteria and procedure for certification of water treatment devices for which a health or safety claim is made and would require each manufacturer that offers for sale in California one of those water treatment devices to submit specified information, including the manufacturer's contact information, product identification information, and specific contaminant claimed to be removed or reduced by the device to the Department of Public Health for purposes of inclusion on the department's Internet Web site.

Watch

Chaptered by
the Secretary of
State – Chapter
403, Statutes of
2013



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: JAVIA GREEN

AGENDA DATE: October 16, 2013

ITEM NO. 14d

SUBJECT: Monthly Budget Report

SUMMARY:

A new financial software system (New World) was implemented on July 1, 2013, starting with fiscal year 2013/14. New World allows us to provide monthly updates on both revenue and expenses. The period July – September, reported here, represents 25% of the fiscal year.

This report replaces the monthly Water Sales & Connection Fee Revenue and quarterly Water Expansion Fund (Fund 130) reports previously provided to the Board. It provides a summary of budget performance and an explanation of any major variances. Fund 130 - Water Expansion Fund, key indicators will be provided periodically in this report, until the ISA is paid off in December 2013.

Water Enterprise Fund – Fund 100 (formerly Fund 52)

Category	12/13 Unaudited Actual ¹	13/14 Amended Budget ²	13/14 YTD Actual	% Used/Received
Revenue	\$ 39,469,514	\$ 41,823,474	\$ 9,427,581	22.5%
Expenses	\$ 35,262,653	\$ 41,843,048	\$ 7,777,401	18.6%

This fund provides financing for the acquisition and conveyance of raw water, treatment and delivery to the Zone 7 service area. The primary source of revenue for this fund is treated water sales. YTD revenue includes the sale of 9,637 acre feet of treated water through September 2013, slightly less than the projection for the same time frame of 9,675. Revenue also includes proceeds from the State of CA Prop 84 Water Conservation Grant, which was not budgeted for. Year-to-date (YTD) expenses reflect two months of labor, payments to the Department of Water Resources (DWR) for the monthly variable water charge, and other water production related expenses.

State Water Facilities Fund – Fund 110 (formerly Fund 51)

Category	12/13 Unaudited Actual	13/14 Amended Budget	13/14 YTD Actual	% Used/Received
Revenue	\$ 12,040,842	\$ 14,118,181	\$ 93,465	0.7%
Expenses	\$ 14,002,380	\$ 14,118,181	\$ 6,558,861	46.5%

This is a pass-through fund for fixed charges associated with the State Water Project, assessed as property tax override. YTD revenue is a refund from DWR. Property tax revenue is yet to be posted because it is generally received in the winter and spring. YTD expenses reflect payments to DWR for

fixed costs (State Water Project bond payments, primarily), most of which are paid in September and March.

Water Renewal/Replacement & System-wide Improvements – Fund 120 (formerly Fund 72)

<i>Category</i>	<i>12/13 Unaudited Actual</i>	<i>13/14 Amended Budget</i>	<i>13/14 YTD Actual</i>	<i>% Used/Received</i>
Revenue	\$ 7,347,879	\$ 14,920,377	\$ 2,255,180	15.1%
Expenses	\$ 4,100,242	\$ 22,147,261	\$ 5,442,822	24.6%

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 transfer from Fund 100 – Water Enterprise of \$8.5M. Additionally, use of reserves (\$6M) is budgeted as revenue to achieve a balanced budget. YTD revenue includes Dougherty Valley Facility Use Fees and the quarterly transfer from Fund 100. Expenses reflect labor, the North Canyons lease payment, laboratory equipment and watershed investments.

Water Expansion – Fund 130 (formerly Fund 73)

<i>Category</i>	<i>12/13 Unaudited Actual</i>	<i>13/14 Amended Budget</i>	<i>13/14 YTD Actual</i>	<i>% Used/Received</i>
Revenue	\$ 29,176,830	\$ 52,528,015	\$ 5,822,543	11.1%
Expenses	\$ 18,814,437	\$ 53,211,501	\$ 10,963,706	20.6%

This fund is intended to provide funding for new facilities and supplies to meet the demands of new development. The primary source of revenue is connection fees. YTD connection fee revenue totals \$5.8M, slightly more than the projection of \$5.4M for the same time frame. Roughly 40% of connection fee revenue is received during the fall/winter, with the remaining 60% occurring in the spring/early summer.

A total of 31 connection fee credits were used totaling another \$0.752M, while 645 credits remain outstanding, valued at \$15.1M at the 2013 connection fee level (see Chart 1 attached). Expenses reflect payments to DWR, the North Canyons lease payment, interest on the ISA and watershed investments. Based on YTD and projected revenue and expenses, staff anticipates sufficient funding to pay off the ISA by January 1, 2014 (see Chart 2 attached).

Flood Protection Operations – Fund 200 (formerly Fund 50)

<i>Category</i>	<i>12/13 Unaudited Actual</i>	<i>13/14 Amended Budget</i>	<i>13/14 YTD Actual</i>	<i>% Used/Received</i>
Revenue	\$ 6,151,496	\$ 22,230,365	\$ 157,597	0.71%
Expenses	\$ 5,355,913	\$ 24,270,134	\$ 11,220,175	46.23%

This fund provides funding for general administration and the maintenance and improvement of the existing flood protection system. The primary source of revenue is property tax revenue (\$6M), additionally, reserves of (\$16M) are budgeted as revenue to achieve a balanced budget. Similar to Fund 110 - State Water Facilities Fund, property tax revenue is yet to be posted because it is received in the winter and spring. Expenses include labor, the North Canyons lease payment, watershed investments and the summer flood control maintenance program.

Flood Protection and Stormwater Drainage – Fund 210 (formerly Fund 76)

<i>Category</i>	<i>12/13 Unaudited Actual</i>	<i>13/14 Amended Budget</i>	<i>13/14 YTD Actual</i>	<i>% Used/Received</i>
Revenue	\$ 5,180,102	\$ 5,962,539	\$ 846,699	14.2%
Expenses	\$ 1,227,729	\$ 6,522,656	\$ 3,142,822	48.2%

This fund provides funding for flood protection facilities required for new development. YTD revenue is primarily from development impact fees. Similar to connection fees, roughly 40% of impact fee revenue is received during the fall/winter, with the remaining 60% occurring in the spring/early summer. Expenses also include the North Canyons lease payment, flood protection projects and watershed investments.

Notes:

1. On this summary, the FY 12/13 Unaudited Actual amounts are from the former financial system (Fundware). The attached report shows the FY 12/13 Budget because FY 12/13 actuals were not posted in New World.
2. The FY 13/14 Adopted Budget has been amended with capital budget carryovers from FY 12/13.

RECOMMENDED ACTION:

Information only.

ATTACHMENTS:

Zone 7 Water Agency Annual Budget by Account Classification Report
CHART 1 – Shea-Lin Connection Fee Credit Estimated Potential Lost Revenue
CHART 2 – Fund 130 -Water Expansion Fund, Projected Available Funding

ZONE 7 WATER AGENCY

Annual Budget by Account Classification Report

Budget Summary

	FY 12/13 Budget	FY 13/14 Budget	FY 13/14 YTD Actual	% Used/Rec
FUND: 100 Water Enterprise Operations				
Revenue				
411 - Water Sales & Service	\$37,085,455.00	\$37,664,745.00	\$9,250,061.31	24.6%
452 - Aid from Governmental Agencies - State	\$700.00	\$700.00	\$92,670.00	13238.6%
461 - Investment Earnings	\$95,000.00	\$95,000.00	\$0.00	0.0%
462 - Rents and Royalties	\$31,000.00	\$31,000.00	\$3,703.01	11.9%
481 - Other Revenue	\$93,300.00	\$93,300.00	\$81,147.02	87.0%
499 - Use of Reserves	\$0.00	\$3,938,729.00	\$0.00	0.0%
Revenue Totals	\$37,305,455.00	\$41,823,474.00	\$9,427,581.34	22.5%
Expenditures				
511 - Personal Services - Salaries and Wages ¹	\$12,979,972.00	\$13,325,249.00	\$1,571,101.11	11.8%
512 - Personal Services - Overtime ¹	\$204,410.00	\$206,778.00	\$6,350.34	3.1%
513 - Personal Services - Benefits ¹	\$5,935,795.00	\$6,388,757.00	\$929,090.07	14.5%
600 - Labor & Overhead Distributed ²	(\$7,587,903.00)	(\$7,803,870.00)	(\$663,319.49)	8.5%
611 - Purchased Services	\$3,458,839.00	\$4,094,011.00	\$167,832.44	4.1%
621 - Water	\$5,327,008.00	\$6,878,235.00	\$2,020,730.65	29.4%
631 - Chemicals	\$3,490,885.00	\$2,841,522.00	\$510,567.25	18.0%
641 - Utilities	\$1,664,556.00	\$1,822,126.00	\$411,725.47	22.6%
643 - Communications	\$227,508.00	\$174,755.00	\$21,017.54	12.0%
651 - Cleaning Services	\$64,196.00	\$48,835.00	\$9,380.33	19.2%
652 - Repairs and Maintenance	\$2,955,100.00	\$2,381,514.00	\$265,934.27	11.2%
653 - Rental Services	\$113,200.00	\$108,650.00	\$10,855.49	10.0%
661 - General Office Services/ Supplies	\$904,375.00	\$584,385.00	\$34,216.47	5.9%
662 - Organizational Membership/ Participation	\$452,323.00	\$519,283.00	\$255,041.78	49.1%
665 - Other Services/ Supplies	\$726,440.00	\$769,206.00	\$40,109.88	5.2%
667 - Training and Travel	\$424,296.00	\$395,220.00	\$22,279.76	5.6%
669 - Special Departmental Expense	\$826,500.00	\$586,392.00	\$28,989.02	4.9%
671 - Equipment, Furniture and Vehicles	\$37,000.00	\$22,000.00	\$10,498.81	47.7%
691 - Transfers	\$0.00	\$8,500,000.00	\$2,125,000.00	25.0%
Expenditure Totals	\$32,204,500.00	\$41,843,048.00	\$7,777,401.19	18.6%
FUND Total: Water Enterprise Operations	\$5,100,955.00	(\$19,574.00)	\$1,650,180.15	
FUND: 110 State Water Facilities				
Revenue				
411 - Water Sales & Service	\$1,314,313.00	\$1,299,710.00	\$0.00	0.0%
421 - Property Taxes	\$10,150,000.00	\$11,247,000.00	\$0.00	0.0%
452 - Aid from Governmental Agencies - State	\$45,000.00	\$45,000.00	\$0.00	0.0%
453 - Aid from Governmental Agencies - Local	\$505.00	\$611.00	\$620.58	101.6%
461 - Investment Earnings	\$25,750.00	\$16,522.00	\$0.00	0.0%
481 - Other Revenue	\$1,065,403.00	\$1,189,542.00	\$92,844.00	7.8%
499 - Use of Reserves	\$0.00	\$319,796.00	\$0.00	0.0%
Revenue Totals	\$12,600,971.00	\$14,118,181.00	\$93,464.58	0.7%
Expenditures				
621 - Water	\$13,974,125.00	\$14,118,181.00	\$6,558,860.82	46.5%
Expenditure Totals	\$13,974,125.00	\$14,118,181.00	\$6,558,860.82	46.5%
FUND Total: State Water Facilities	(\$1,373,154.00)	\$0.00	(\$6,465,396.24)	

ZONE 7 WATER AGENCY

Annual Budget by Account Classification Report

Budget Summary

	FY 12/13 Budget	FY 13/14 Budget	FY 13/14 YTD Actual	% Used/Rec
FUND: 120 Water Enterprise Capital IR&R				
Revenue				
431 - Development Fees	\$26,550.00	\$250,000.00	\$130,050.00	52.0%
441 - Charges for Services	\$0.00	\$7,500.00	\$130.00	1.7%
461 - Investment Earnings	\$141,703.00	\$74,462.00	\$0.00	0.0%
499 - Transfers and Use of Reserves	\$6,600,000.00	\$14,588,415.00	\$2,125,000.00	14.6%
Revenue Totals	\$6,768,253.00	\$14,920,377.00	\$2,255,180.00	15.1%
Expenditures				
600 - Labor & Overhead Distributed ³	\$0.00	\$0.00	\$188,614.97	-
611 - Purchased Services	\$0.00	\$0.00	\$2,308.93	-
653 - Rental Services	\$0.00	\$0.00	\$133,492.50	-
669 - Special Departmental Expense ³	\$12,023,062.00	\$22,147,261.00	\$0.00	-
671 - Equipment, Furniture and Vehicles	\$0.00	\$0.00	\$60,845.95	-
672 - Land and Facility Improvements	\$0.00	\$0.00	\$5,057,559.40	-
Expenditure Totals	\$12,023,062.00	\$22,147,261.00	\$5,442,821.75	24.6%
FUND Total: Water Enterprise Capital IR&R	(\$5,254,809.00)	(\$7,226,884.00)	(\$3,187,641.75)	
FUND: 130 Water Enterprise Cap Expansion				
Revenue				
431 - Development Fees	\$12,382,587.00	\$18,400,000.00	\$5,822,542.80	31.6%
461 - Investment Earnings	\$89,885.00	\$166,565.00	\$0.00	0.0%
481 - Other Revenue	\$2,539,000.00	\$2,381,600.00	\$0.00	0.0%
499 - Use of Reserves	\$0.00	\$31,579,850.00	\$0.00	0.0%
Revenue Totals	\$15,011,472.00	\$52,528,015.00	\$5,822,542.80	11.1%
Expenditures				
600 - Labor & Overhead Distributed ³	\$0.00	\$0.00	\$70,269.84	-
611 - Purchased Services	\$0.00	\$0.00	\$1,965.00	-
621 - Water	\$19,021,116.00	\$18,654,187.00	\$10,311,064.45	55.3%
653 - Rental Services	\$0.00	\$0.00	\$103,827.51	-
661 - General Office Services/ Supplies	\$0.00	\$0.00	\$0.00	-
662 - Organizational Membership/ Participation	\$0.00	\$0.00	\$16,200.00	-
665 - Other Services/ Supplies	\$0.00	\$0.00	\$342.70	-
667 - Training and Travel	\$0.00	\$0.00	\$0.00	-
669 - Special Departmental Expense ³	\$3,434,263.00	\$3,803,833.00	\$3,876.61	0.1%
671 - Equipment, Furniture and Vehicles	\$0.00	\$0.00	\$0.00	-
672 - Land and Facility Improvements	\$0.00	\$0.00	\$422,166.19	-
675 - Debt Service	\$0.00	\$30,753,481.00	\$33,994.16	0.1%
Expenditure Totals	\$22,455,379.00	\$53,211,501.00	\$10,963,706.46	20.6%
FUND Total: Water Enterprise Cap Expansion	(\$7,443,907.00)	(\$683,486.00)	(\$5,141,163.66)	

ZONE 7 WATER AGENCY

Annual Budget by Account Classification Report

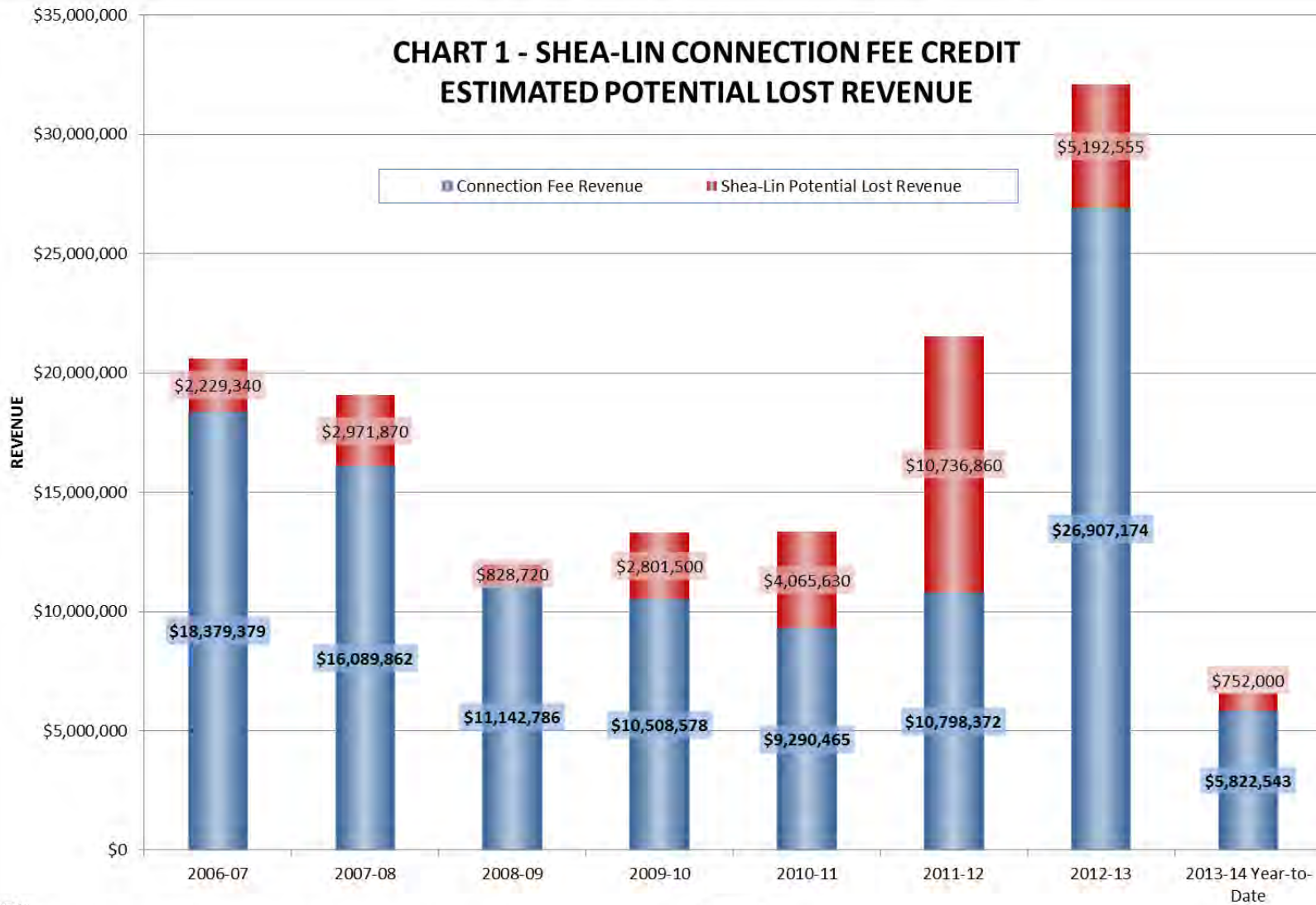
Budget Summary

	FY 12/13 Budget	FY 13/14 Budget	FY 13/14 YTD Actual	% Used/Rec
FUND: 200 Flood Protection Operations				
Revenue				
421 - Property Taxes	\$5,873,310.00	\$5,979,557.00	\$0.00	0.0%
441 - Charges for Services	\$3,000.00	\$3,000.00	\$184.00	6.1%
452 - Aid from Governmental Agencies - State	\$54,000.00	\$54,000.00	\$0.00	0.0%
453 - Aid from Governmental Agencies - Local	\$690.00	\$690.00	\$697.88	101.1%
461 - Investment Earnings	\$112,619.00	\$110,600.00	\$0.00	0.0%
462 - Rents and Royalties	\$17,500.00	\$17,500.00	\$17,274.69	98.7%
481 - Other Revenue	\$35,000.00	\$35,000.00	\$139,440.00	398.4%
499 - Use of Reserves	\$0.00	\$16,030,018.00	\$0.00	0.0%
Revenue Totals	\$6,096,119.00	\$22,230,365.00	\$157,596.57	0.7%
Expenditures				
600 - Labor & Overhead Distributed	\$1,218,073.00	\$2,100,065.00	\$325,660.98	15.5%
611 - Purchased Services	\$1,396,975.00	\$2,362,182.00	\$29,843.21	1.3%
643 - Communications	\$3,000.00	\$2,200.00	\$38.84	1.8%
651 - Cleaning Services	\$6,000.00	\$10,000.00	\$1,086.00	10.9%
652 - Repairs and Maintenance	\$2,795,000.00	\$5,291,743.00	\$429,436.05	8.1%
653 - Rental Services	\$25,000.00	\$145,500.00	\$33,868.18	23.3%
661 - General Office Services/ Supplies	\$64,100.00	\$19,550.00	\$1,003.36	5.1%
662 - Organizational Membership/ Participation	\$77,000.00	\$123,500.00	\$930.00	0.8%
665 - Other Services/ Supplies	\$22,000.00	\$28,400.00	\$177.53	0.6%
667 - Training and Travel	\$18,500.00	\$30,900.00	\$250.00	0.8%
669 - Special Departmental Expense	\$25,000.00	\$13,333.00	\$0.00	0.0%
671 - Equipment, Furniture and Vehicles	\$3,500.00	\$0.00	\$0.00	-
672 - Land and Facility Improvements	\$0.00	\$14,142,761.00	\$10,397,880.57	73.5%
Expenditure Totals	\$5,654,148.00	\$24,270,134.00	\$11,220,174.72	46.2%
FUND Total: Flood Protection Operations	\$441,971.00	(\$2,039,769.00)	(\$11,062,578.15)	
FUND: 210 Flood Protection/Drainage DIF				
Revenue				
431 - Development Fees	\$1,872,436.00	\$2,500,000.00	\$818,138.97	32.7%
461 - Investment Earnings	\$154,894.00	\$132,000.00	\$0.00	0.0%
481 - Other Revenue	\$0.00	\$0.00	\$28,560.00	-
499 - Use of Reserves	\$0.00	\$3,330,539.00	\$0.00	0.0%
Revenue Totals	\$2,027,330.00	\$5,962,539.00	\$846,698.97	14.2%
Expenditures				
600 - Labor & Overhead Distributed ³	\$0.00	\$0.00	\$78,773.70	-
611 - Purchased Services	\$0.00	\$0.00	\$8,796.00	-
653 - Rental Services	\$0.00	\$0.00	\$29,664.99	-
669 - Special Departmental Expense ³	\$3,347,956.00	\$6,522,656.00	\$0.00	-
672 - Land and Facility Improvements	\$0.00	\$0.00	\$3,025,586.83	-
Expenditure Totals	\$3,347,956.00	\$6,522,656.00	\$3,142,821.52	48.2%
FUND Total: Flood Protection/Drainage DIF	(\$1,320,626.00)	(\$560,117.00)	(\$2,296,122.55)	
Revenue Grand Totals:	\$79,809,600.00	\$151,582,951.00	\$18,603,064.26	12.3%
Expenditure Grand Totals:	\$89,659,170.00	\$162,112,781.00	\$45,105,786.46	27.8%
Net Grand Totals:	(\$9,849,570.00)	(\$10,529,830.00)	(\$26,502,722.20)	

Notes:

1. Agency-wide salaries, wages, overtime and benefits are budgeted in Fund 100.
2. This is a credit to Fund 100 for salaries, wages, overtime and benefits charged to other funds.
3. Capital project expenses such as labor and overhead, professional services and construction costs are budgeted in Special Departmental Expense. Expenses are posted in the actual account.

CHART 1 - SHEA-LIN CONNECTION FEE CREDIT ESTIMATED POTENTIAL LOST REVENUE



NOTES:
 Shea-Lin Credit Data - as of 09-30-2013, 1381 Redeemed & 645 Remaining.
 Revenue as of 08-31-13 for DSRSD & Pleasanton, 06-30-13 for Livermore
 Initial Payment of \$10,000,000 for Credits is Not Reflected in This Graph

Fiscal Year

**CHART 2 - FUND 130 - WATER EXPANSION FUND
PROJECTED AVAILABLE FUNDING**

