



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, February 15, 2012

TIME: 7:00 p.m.

LOCATION: Zone 7 Administration Building

100 North Canyons Parkway, Livermore, California

Any member of the audience 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 audience 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 January 18, 2012
5. Consent Calendar
 - a. Request for Out-of-State Travel to Attend Upcoming Association of California Water Agencies' DC Conference
 - b. Approval of Grant Application and Authorization to Execute a Cooperative Agreement with the United States Bureau of Reclamation for a Water SMART Grant
 - c. Authorize Granting Real Property on Portions of Tassajara Creek and Dublin Creek to the State of California for the I-580 HOV Lane Project
 - d. Zone 7 Conflict of Interest Code – Biennial Review
 - e. Consider Amending Board Policy on Conducting Business
 - f. Transition Agreement Approval
 - g. Possible Zone 7 Sponsorship AB 1540 (Buchanan)
 - h. Unemployment Insurance
 - i. State Disability Insurance
6. Staffing Update:
 - a. Congratulations to Retirees
 - 1) John Yue
 - 2) Peter Cruttenden
 - b. Employee of the Month Recognition

February 15, 2012

7. Cope Lake Improvements & Maintenance Project – CEQA Compliance

Recommended action: Hold public hearing; adopt resolution.

8. Committees – none.

9. Items for Future Agenda – Directors

10. Reports – Directors

- a. Written report by Director Quigley
- b. Verbal reports

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

- a. General Manager's Report
- b. Legislative Update
- c. Status Report on Separation Efforts
- d. Update Related to the Bay Delta Conservation Plan
- e. Report on Zone 7 Vehicle Fleet
- f. Recent Public Outreach Activities - none
- g. Verbal Reports

12. CLOSED SESSION

- a) 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.
- b) Conference with Legal Counsel – Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: 1 case

13. Open Session and Report Out of Closed Session

14. Adjournment

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

- a) Regular Board Meeting: March 21, 2012, 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

January 18, 2012

President Figuers called the regular meeting to order at 7:00 p.m. The following were present:

DIRECTORS: SANDS FIGUERS
JOHN GRECI
A J MACHAEVICH
CHRISTOPHER MOORE
SARAH PALMER
RICHARD QUIGLEY
BILL STEVENS

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING
TOM HUGHES, ASSISTANT GENERAL MANAGER, EMPLOYEE
SERVICES
CAROL MAHONEY, INTEGRATED PLANNING MANAGER
JUDY RECTOR, BOARD SECRETARY

COUNSEL: DAVID ALADJEM, DOWNEY BRAND

Item 3 - Citizens Forum - None.

Item 4 - Minutes of the Regular Meeting of December 21, 2011

On a motion by Director Moore with a second by Director Quigley, the minutes of the Regular Meeting of December 21, 2011, were approved by a voice vote of 7-0.

Item 5 - Consent Calendar

On a motion by Director Greci with a second by Director Palmer, the following resolutions were passed on the consent calendar by a voice vote of 7-0 with the following resolutions:

- Resolution 12-4151 Authorized the General Manager to execute the new Agreement to Implement the Alameda Countywide Clean Water Program. (Item 5a)
- Resolution 12-4152 Authorized the General Manager to execute a contract with ESA PWA for a not-to-exceed amount of \$150,000 to finalize design and assist with developing construction specifications for the Arroyo Mocho - Stanley Reach Project. (Item 5b)

- Resolution 12-4153 Authorized the General Manager to execute a contract with Cardno ENTRIX for a not-to-exceed amount of \$80,000 to provide specialized technical assistance conducting environmental analysis. (Item 5c)
- Resolution 12-4154 Authorized and requested that the Alameda County Board of Supervisors call an election, to be consolidated with the Direct Election to be held on June 5, 2012, for the purpose of electing three (3) Members of the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District. (Item 5d)

Item 6 - Staffing Updates

Item 6 (a) - Employee of the Month Recognition

Ms. Duerig congratulated Ms. JaVia Green, Staff Analyst in Financial and Systems Services, who was present, as the November Employee of the Month. JaVia has been at Zone 7 for several years and is known by the Board due to her presentations at Board meetings and to the Finance Committee. In complex times of getting the budget together, she is one of our stanchions of support. She is professional, respectful, takes time to listen and understand the issues and addresses peoples' concerns. Ms. Duerig thanked JaVia for doing a wonderful job.

Item 7 - Ordinance 2012-01 - Flood Protection and Storm Water Drainage Development Impact Fee

Assistant General Manager, Engineering, Kurt Arends reminded the Board that there was a public hearing last month to defer the planned increase to the storm drain impact fee. The second public hearing at this Board meeting is to insure that there is no public comment. Mr. Arends clarified that the purpose of adopting the ordinance is to delete the last step in the proposed fee increases for the development impact fee for impervious surfaces, not connection fees.

In response to Director Steven's request for information showing the amount of development in the last five years, Mr. Arends referred to a graph that was part of the agenda item. A study to re-evaluate the fee in the next year and a half will be conducted and the results brought to the Board to establish a new fee and any future increases.

President Figuers opened the public hearing, but there were no public comments or board member comments, so the public hearing was closed. Director Greci moved and Director Moore seconded the motion and the Ordinance was approved by a roll call vote of 7-0.

Item 8 - Grant Agreement with California State Coastal Conservancy and Contract with Urban Creeks Council for Stream Management Master Plan Update

Carol Mahoney, Integrated Planning Manager, discussed the background of the Stream Management Master Plan (SMMP) and the integrated approach. Ms. Mahoney emphasized that staff has been reaching out to local flood control districts in the Bay Area to ask how they implement things, i.e., maintenance permits, dealing with sediment, and working with regulatory agencies, and how to figure out the best way to approach funding projects. Staff has been looking for alternatives to move SMMP projects forward without having to ask the residents of the Valley to help out financially.

The contracts approved under the Consent Calendar for this board meeting will help in the way Zone 7 is going to be able to implement flood control in the future. There are five elements: the Alameda County Stormwater Memorandum of Agreement that deals with federal and state regulations and helps with Zone 7 NPDES permits; Stanley Reach with the ESA-PWA contract; the Ordinance for the flood protection and storm water drainage development impact fee; the grants from California Coastal Conservancy and Urban Creeks; and the Cardno-ENTRIX contract. Contracts with ESA-PWA and Cardno-ENTRIX will provide expertise not currently available in-house. Zone 7 staff working with these groups will augment their education so eventually staff will do this work for future projects and regulations. As Zone 7 moves forward and starts to implement the projects in the SMMP, the public will get the message through outreach efforts that Zone 7 is actually implementing flood protection and habitat enhancement projects we have been looking at for quite some time.

All elements work together to update the SMMP and it is part of the grant process to make staff think about what do we think we need, what costs can be paid by a grant, and what opportunities are there to partner with other agencies and collaborate.

Director Moore said that when the SMMP was passed, the dollar amounts were staggering but it was a planning document moving forward. Now it is great to see what works, what doesn't, and applying for funds as part of the implementation.

Director Quigley stated that since Zone 7 has flood control responsibility, integrated planning should include recreation and stakeholders should be actively involved.

Director Palmer added that there could be career tech educational opportunities.

Director Machaevich commented on how positive it is to see three or four groups getting together to talk about SMMP and making an overall plan that will give congruency throughout the network to give better flow throughout history.

The Board was asked to adopt a resolution authorizing the General Manager to negotiate and execute: (1) the grant agreement with the California State Coastal Conservancy for \$190,000 of reimbursement; and (2) associated matching funds contract with Urban Creeks Council for a not-to-exceed amount of \$330,000 (of which \$190,000 will be reimbursed).

Director Stevens moved and Director Machaevich seconded the motion. Resolution No. 12-4155 was passed by a roll call vote of 7-0.

Item 9 - Refund of Water Connection Fees to KB Homes

Mr. Arends explained that KB Homes had requested a refund for two meters that were purchased and paid for under the water connection fee program. After the connection fees were paid, KB Homes redesigned their project, decided they do not need the meters, and requested a refund of \$220,077. Director Greci moved and Director Machaevich seconded a motion. Resolution 12-4156 was approved by a roll call vote of 6-0 with Director Stevens abstaining.

Item 10 - Committees - Zone 7/DSRSD Liaison Meeting, December 13, 2011 - minutes (no discussion).

Item 11 - Items for Future Agendas - Directors

Director Quigley requested a fleet audit of Zone 7 vehicles and discussed alternative vehicles. He feels fuel efficient vehicles are important and wants Zone 7 staff to look into them as an alternative.

Director Quigley noted that his request to attend the ACWA Conference in Washington DC meeting will be on the Board agenda for February.

Item 12 - Reports - Directors

Director Quigley commented on energy savings and how saving money helps avoid water rate increases. He also remarked on the Water for Tomorrow brochure included in the Board agenda packet.

Director Palmer reported on the January 4th informational meeting at Metropolitan Water District attended by General Manager Jill Duerig, President Figuers, and Director Palmer. Representatives from seven water agencies explored possible alternatives for Delta water conveyance, discussed ideas and listened to proposals.

Item 13 - Staff Reports (Information items)

- a. General Manager's Report
- b. Recent Public Outreach Activities
- c. Legislative Update
- d. Status Report on Separation Efforts
- e. Quarterly Update of Expansion fund
- f. Verbal Reports

Director Greci questioned a contract that was noted on the attachment to the General Manager's staff report. The purpose of the contract is for support services for purchasing. Ms. Duerig explained that hiring a contractor or temporary employee is an alternative to hiring a permanent employee until it is determined if there is a long term need. This contractor assists the Buyer and helps prepare the paperwork required by the County for Small, Local and Emerging Businesses (SLEB).

The Board went into closed session at 8:00 p.m.

Item 14 - Closed Session

- a) 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.
- b) Conference with Legal Counsel--Existing Litigation, Government Code Section 54956.9(a): Petition for Extension of Time, Water Right Permit No. 11319 (Application No. 17002), State Water Resources Control Board.

- c) Conference with Legal Counsel--Initiation of litigation; Government Code Section 54956.9(c): Sacramento Regional County Sanitation District v. California Regional Water Quality Control Board, Central Valley Region, et al., Sacramento County Superior Court Case No. 34-2011-80001028.

Item 16 - Open Session and Report Out of Closed Session

The Board came out of closed session at 9:25 p.m.

President Figuers reported that the Board of Directors approved a two-year agreement with Local 1021 of the Service Employees International Union, contingent on ratification of the agreement by Local 1021.

Resolution No. 12-4157 was approved by the Board for no salary increases for SEIU-represented classifications. There will be a one-time payment of \$1,000 less applicable taxes and deductions on SEIU members' March 2, 2012, paycheck.

The meeting was adjourned at 9:30 p.m.



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ORIGINATING SECTION: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: February 15, 2012

ITEM NO. **5a**

**SUBJECT: REQUEST FOR OUT-OF-STATE TRAVEL TO ATTEND UPCOMING
ASSOCIATION OF CALIFORNIA WATER AGENCIES' DC CONFERENCE**

SUMMARY:

Director Dick Quigley has expressed an interest in attending the Association of California Water Agencies' (ACWA) Annual DC Conference to be held February 28 through March 1, 2011 in Washington, DC. This conference provides an opportunity to learn about the current plans and priorities of the Administration and Congress. The conference ACWA's Washington, D.C. Conference provides a unique opportunity to meet with members of the 112th Congress and the Obama administration. Meeting highlights include: learning about key Congressional Committee agendas, understanding the direction of federal agencies, and developing insights about where Congress is headed this year. Although staff often participate in this annual conference, they have expressed an interest in saving travel expenses this year by foregoing attendance.

Director Quigley has already obtained board approval to attend all in-state ACWA conferences while participating on the ACWA Region 5 Board and the Energy Committee without seeking approval from the Board for reimbursement of travel and registration expenses. However, this is an out-of-state conference so additional Board authorization must be obtained.

FINANCIAL:

Registration costs for ACWA's annual DC conference is \$485 per person plus miscellaneous expenses associated with attendance, i.e., airfare, parking, accommodations and meals, with a total cost estimated at \$3,500 per person. Funds are available from Fund 52-Water Enterprise.

RECOMMENDED ACTION:

Adopt attached resolution.

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

WHEREAS, Director Dick Quigley has expressed an interest in attending the Association of California Water Agencies (ACWA) DC Conference to be held February 28 through March 1, 2012 in Washington, DC;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control & Water Conservation District does hereby authorize Director Quigley's attendance at ACWA's DC Conference; and

BE IT FURTHER RESOLVED that Director Quigley be reimbursed for actual and necessary expenses associated with his attendance at this event.

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

February 15, 2012

By _____
President, Board of Directors

ACWA'S 2012 WASHINGTON, D.C. CONFERENCE ~ February 28 - March 1, 2012

This conference provides a unique opportunity to meet with members of the 112th Congress and the Obama administration. Meeting highlights include: learning about key Congressional Committee agendas, understanding the direction of federal agencies, and developing insights about where Congress is headed this year.



PRELIMINARY AGENDA

Tuesday, February 28

6 - 8 p.m.

Atrium Ballroom

Welcome Reception

(Conference attendees and spouses are invited. Others by invitation only.)

Wednesday, February 29

8:30 - 8:45 a.m.

Ballroom 1 & 2

Continental Breakfast & Welcoming Remarks

Randy Record, ACWA President

Linda Ackerman, ACWA Federal Affairs Chair

8:45 - 9:30 a.m.

Ballroom 1 & 2

Federal Insiders Panel

9:30 - 9:45 a.m.

Break

9:45 - 11:45 a.m.

Ballroom 1 & 2

Administration Speakers' Program

Mr. Aaron Salzberg, Special Coordinator for Water Resources
U.S. Department of State *(Confirmed)*

Honorable Mike Connor, Commissioner
Bureau of Reclamation *(Confirmed)*

Others Invited

11:45 a.m. - Noon

Break

Noon - 1:30 p.m.

Atrium Ballroom

Lunch Program: "China and the Global Water Challenge"

Robert Percival, Director

Environmental Law Program, University of Maryland

Francis King Carey School of Law *(Confirmed)*

1:50 p.m.

House Side Steps of the Capitol (South East Side)

Group Photo

2:15 - 5:30 p.m.

Congressional Meeting Room North, Capitol Visitors Center

House and Senate Speech Program

5:30 - 7:30 p.m.

Room TBD

Congressional Reception

Thursday, March 1

8 - 10 a.m.

Ballroom 1 & 2

Full Breakfast & Closing Panels

10 a.m.

Conference Adjourns

WHO IS ELIGIBLE FOR ACWA ADVANTAGE PRICING?

The following people are eligible for ACWA Advantage pricing:

- Any ACWA member organization's officers/directors.
- Any employee on an ACWA public agency member, affiliate or associate organization's payroll.
- Any individual or honorary life member.
- Any ACWA board member whose fee is paid for by a member agency.
- Any state or federal administrative or legislative personnel in elective, appointive or staffing positions.
- Staff of ACWA/JPIA, Water Education Foundation or California Water Awareness Campaign.

If you are interested in learning more about joining ACWA, contact Melanie Medina at (916) 441-4545 or melaniem@acwa.com.

CHANGES & CANCELLATIONS:

Changes and cancellations must be submitted to elliem@acwa.com. The cancellation deadline is 4:30 p.m. (PST), February 3, 2012. There is a \$50 handling fee on all cancellations prior to this date. Credit card/check registration fees (less the \$50 handling fee) can be refunded until 4:30 p.m. (PST), January 27. Thereafter, refund credit vouchers will be issued January 28-February 3, 4:30 p.m. (PST). There will be no refund transactions made during the event. Upon receipt of the cancellation, you will receive an e-mail confirming the cancellation. If you do not receive a cancellation confirmation, please contact ACWA at (916) 441-4545. Otherwise, you will be responsible for remaining monies due. Cancellations received after 4:30 p.m. (PST), February 3, 2012, will not be refunded.

SUBSTITUTIONS:

Substitutions from the same organization are accepted. A \$25 handling fee will be applied. Substitution requests should be submitted to elliem@acwa.com. Please notify ACWA of substitutions by 4:30 p.m. (PST), February 3, 2012. After that date, they will need to be handled on site.

HOTEL INFORMATION

A block of rooms has been reserved for ACWA at the Washington Court Hotel, which will be reserved on a first-come, first-served basis. The Washington Court Hotel will accept reservations in the ACWA room block until January 27, 2012. After this date, the rooms will be released for general sale. After January 27, the hotel will accept reservations based on room and rate availability. Additionally, should our block fill prior to the cut-off date, reservations will be accepted based on room and rate availability. You should not make a hotel reservation before you are registered with ACWA for the D.C. Conference.

SINGLE/DOUBLE ROOM RATE: \$345

HOTEL ADDRESS:

Washington Court Hotel
525 New Jersey Ave., N.W.
Washington, D.C. 20001
Reservations: (800) 321-3010
Phone: (202) 628-2100

If you have a disability that may require accommodation to assure your full participation, please contact Ellie Meek of the ACWA staff at (916) 441-4545, or toll free at, (888) 666-2292 to discuss your needs.

SPONSORSHIP PROGRAM

Show your peers your support for ACWA. If your organization is an ACWA public agency member, affiliate or associate, you have the opportunity to show your colleagues your support for the California water community.

Sponsorship opportunities for the 2012 D.C. Conference include:

- Opening Reception
- Breakfasts
- Luncheons
- Congressional Reception
- Printed Materials

As a cosponsor of this event, your organization will have the opportunity to get its name in front of some of the most influential people in the nation's water industry. In addition, your co-sponsorship of this event will count towards your sponsorship level of ACWA's Sponsorship Program.

For more information on co-sponsoring this event, or detailed information on ACWA's sponsorship program, including benefits, levels, and recognition, please contact Lori Doucette at (916) 441-4545 or toll-free at, (888) 666-2292 or lolid@acwa.com.





ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: Facilities Engineering

CONTACT: Steven Ellis/Rhett Alzona

AGENDA DATE: February 15, 2012

ITEM NO. 5b

SUBJECT: Approval of Grant Application and Authorization to Execute a Cooperative Agreement with the United States Bureau of Reclamation for a Water SMART Grant

SUMMARY:

- The United States Bureau of Reclamation (USBR) accepted applications through January 19, 2012 for Water SMART: Water and Energy Efficiency Grants. Grants of up to \$300,000 may be awarded for small projects which seek to conserve and use water more efficiently, increase the use of renewable energy and improve energy efficiency, benefit endangered and threatened species, facilitate water markets, or carry out activities to address climate-related impacts on water or prevent any water-related crisis or conflict.
- With help from Carollo Engineers, Zone 7 submitted a grant application on January 19, 2012.
- The grant application includes improvements to the Mocho Groundwater Demineralization Plant (MGDP) consisting of reverse osmosis (RO) water recovery enhancements to reduce water loss to brine, adding energy recovery turbines to each of the RO trains, and installation of electrical facilities to allow the use of alternative power provided by Power and Water Resource Pooling Authority (PWRPA).
- Total estimated project cost for the improvements is \$881,000. Up to \$300,000 of the project cost could be funded by grant funds if the application is approved.
- Adopting the accompanying resolution approves the application and authorizes the General Manager to negotiate and enter into a Cooperative Agreement with USBR if the grant is awarded. This resolution is a requirement of the application and must be submitted to USBR by February 18, 2012 to complete the application process.
- If the grant is awarded, Zone 7 staff will return to the Board for project contract awards.

FUNDING:

Funding for the project in excess of the grant amount is available from Fund 72 – Renewal/Replacement and System Wide Improvements.

RECOMMENDED ACTION:

Adopt the attached resolution approving the grant application and authorizing the General Manager to negotiate and execute a Cooperative Agreement with the USBR should a grant be awarded.

ATTACHMENTS:

- Memo providing additional background and discussion
- Zone 7 Board Resolution

Interoffice Memo

Date: February 15, 2012
To: Jill Duerig, General Manager
From: Steven Ellis, Associate Engineer
Subject: Approval of Grant Application and Authorization to Execute a Cooperative Agreement with the United States Bureau of Reclamation for a Water SMART Grant

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

BACKGROUND\DISCUSSION

The United States Bureau of Reclamation (USBR) was taking applications through January 19, 2012 for Water SMART: Water and Energy Efficiency Grants. The Water SMART grant may award up to \$300,000 to subsidize small projects which seek to conserve and use water more efficiently, increase the use of renewable energy and improve energy efficiency, benefit endangered and threatened species, facilitate water markets, or carry out activities to address climate-related impacts on water or prevent any water-related crisis or conflict. Depending on the award, at a minimum, each dollar from the grant must be matched by a dollar from the applicant towards the proposed project.

Possible water and energy saving improvements projects have been identified at the Mocho Groundwater Demineralization Plant (MGDP). Projects which could be implemented to obtain these savings and may be eligible for partial funding under the USBR grant are: 1) increasing permeate recovery in the Reverse Osmosis (RO) process (reducing brine discharges from the plant), 2) adding energy recovery turbines to each of the RO trains, and 3) switching power provider from PG&E to a lower cost alternative power from Power and Water Resources Pooling Authority (PWRPA).

The first two elements of the project were identified by Carollo Engineers, the design consultant of MGDP. Carollo has performed a preliminary evaluation of the possibility of increasing the recovery of the RO membranes from 80% to 85%. Additionally, Carollo has also performed some preliminary work on evaluating the feasibility of installing energy recovery turbines in each of the RO trains to reduce the overall energy usage at the plant. Zone 7 may not implement these two project elements until grant funding is available either through this application or another application at some time in the future.

The third element of this project includes installation of electrical distribution facilities to allow PWRPA to become the power provider for the Mocho Groundwater Demineralization Plant and Mocho Well #4. In December 2011, the Board authorized the General Manager to execute agreements with PWRPA to provide power for four Zone 7 facilities. Due to the short return period on investment (less than five years) and because of the expected lower power rates from PWRPA, this element of the project is planned to be implemented with or without grant funds.

An estimated preliminary project cost to implement all three water/energy saving measures is approximately \$881,000. Up to \$300,000 of the project cost could potentially be funded by grant funds if the application is approved.

With help from Carollo Engineers, Zone 7's grant application containing the project elements described above was successfully submitted by the deadline. One of the conditions of the grant application is the requirement to submit a Board resolution by February 18, 2012 that affirms the following:

- a. The identity of the official with legal authority to enter into the agreement.
- b. The Board of Directors, governing body, or appropriate official who has reviewed and supports the application submitted.
- c. The capability of the applicant to provide the amount of funding and/or in-kind contributions specified in the funding plan.
- d. That the applicant will work with USBR to meet established deadlines for entering into a cooperative agreement.

This agenda item addresses the required Board approvals to complete the grant application. Should the grant be awarded, staff will return to the Board for award of the required project contracts.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
RESOLUTION NO

INTRODUCED BY
SECONDED BY

Approval of Grant Application for Mocho Groundwater Demineralization Plant Improvements

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District is submitting a grant application to the United States Bureau of Reclamation (USBR) to obtain a Water SMART: Water and Energy Efficiency Grant for water and energy saving improvements to Zone 7's Mocho Groundwater Demineralization Plant; and

WHEREAS, the project scope includes improvements to the Mocho Groundwater Demineralization Plant (MGDP) consisting of reverse osmosis (RO) water recovery enhancements to reduce water loss to brine, adding energy recovery turbines to each of the RO trains, and installation of electrical facilities to allow the use of alternative power provided by Power and Water Resource Pooling Authority (PWRPA).

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 acknowledge and approve of the grant application and the information herein submitted for consideration; and

BE IT FURTHER 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 grant contract, and any amendments or changes thereto on behalf of Zone 7 and work with the USBR to meet established deadlines for entering into a cooperative agreement; and

BE IT FURTHER RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby certify that the amount of matching funding and/or in-kind contributions specified in the application funding plan is available.

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

February 15, 2012

By: _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: Engineering
CONTACT: Dennis Gambs/Jarnail Chahal

AGENDA DATE: February 15, 2012

ITEM NO. 5c

SUBJECT: Authorize Granting Real Property on Portions of Tassajara Creek and Dublin Creek to the State of California for the I-580 HOV Lane Project

SUMMARY:

- The State of California Department of Transportation (Caltrans), acting through the Alameda County Transportation Commission (ACTC), is constructing a westbound High Occupancy Vehicle (HOV) Lane on I-580 from east of the Greenville overcrossing in Livermore to San Ramon Valley Road in Dublin.
- Portions of Zone 7-owned Tassajara Creek and Dublin Creek are required by the ACTC for this HOV Lane project. Some portions are required in fee interest and some as temporary construction easements (TCE).
- Two fee interest properties totaling 622 sq. ft. and three TCE's, which would expire in December of 2014, totaling 3,419 sq. ft. are required for the project. Alameda County Public Works Agency staff, acting as Right of Way Agents for the ACTC, have estimated the fair market value for all of the real property to be a nominal value of \$1,500.
- Zone 7 staff has reviewed the proposed lane improvements to I-580 and determined that they will not adversely impact Zone 7 flood control channels. Accordingly, the fee property needed by Caltrans is no longer required by Zone 7 and the granting of the easements will not conflict with the use of the property for flood control purposes.

FUNDING:

The ACTC has offered \$1,500 based on a fair-market appraisal as just compensation for the acquisition of the interests in the flood control channel properties.

RECOMMENDED ACTION:

Adopt attached resolution requesting and authorizing the Board of Supervisors of Alameda County Flood Control and Water Conservation District to grant the real property to Caltrans and authorizing the General Manager to sign the Real Property Purchase Contract consenting to the granting of the real property.

ATTACHMENTS:

- Memo providing additional background and discussion
- Resolution
- Location Map, R/W Exhibit
- Real Property Purchase Contracts
- Grant Documents

INTEROFFICE MEMO

Date: February 15, 2012
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Authorize Granting Real Property on Portions of Tassajara Creek and Dublin Creek to the State of California for the I-580 HOV Lane Project

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

BACKGROUND\DISCUSSION:

Caltrans, acting through the Alameda County Transportation Commission (ACTC), is constructing a westbound High Occupancy Vehicle (HOV) Lane on I-580 from east of the Greenville overcrossing in Livermore to San Ramon Valley Road in Dublin. Portions of Zone 7-owned Tassajara Creek (Line K) and Dublin Creek (Line T) are required by ACTC for this HOV Lane project. Some portions are required in fee interest and some as temporary construction easements (TCE).

The two fee interest properties total 622 sq. ft. and the TCE's, which expire December 13, 2014, total 3,419 sq. ft. Alameda County Public Works Agency staff, acting as Right of Way Agents for the ACTC, have estimated the fair market value for all of the real property to be a nominal value of \$1,500. The real property required is listed in the table below.

<u>REAL PROPERTY REQUIRED BY CALTRANS</u>				
State	Zone 7	Fee	TCE	Compensation
<u>Parcel #</u>	<u>Parcel #</u>	<u>sq. ft.</u>	<u>sq. ft.</u>	
<i>Tassajara Cr. – S. of 580</i>				
62051-1	70158	438	----	\$500 for both
62051-2	70161	----	107	
<i>Dublin Cr</i>				
62052-1	70160	184	-----	\$500 for both
62052-2	70159	----	2,726	
<i>Tassajara Cr. N. of 580</i>				
62053-1	70157	----	586	\$500
Totals		622	3,419	\$1,500

Zone 7 staff has reviewed the proposed lane improvements to I-580 and determined that they will not adversely impact Zone 7 flood control channels and that the fee property is no longer necessary to be retained for flood control purposes and the granting of the easements will not conflict with the use of the property for flood control purposes.

The legal title to all real property owned by the Alameda County Flood Control and Water Conservation District, including Zone 7 property, is held in the name of the District. As the legal owner of the property over which real property is to be granted to Caltrans, the Board of Supervisors of the Alameda County Flood Control and Water Conservation District is required to approve the conveyance of real property. To that end, the Zone 7 Board of Directors would request and authorize the District Board to approve the proposed conveyances.

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Approval of Grant Deeds and Temporary Construction Easements on Portions of Tassajara Creek and Dublin Creek to the State of California for the I-580 HOV Lane Project

WHEREAS, Alameda County Flood Control and Water Conservation District, Zone 7 is the owner of the real property known as Tassajara Creek (Line K) and Dublin Creek (Line T); and

WHEREAS, the State of California Department of Transportation (Caltrans), acting through the Alameda County Transportation Commission (ACTC), has requested fee properties and temporary construction easements (TCE) as part of a project to construct a westbound High Occupancy Vehicle (HOV) Lane on I-580 from east of the Greenville overcrossing in Livermore to San Ramon Valley Road in Dublin; and

WHEREAS, fee simple property totaling 622 square feet and TCE's totaling 3,419 square feet, which are more particularly designated and described in the attached, are the portions of the real property required from Alameda County Flood Control and Water Conservation District for said HOV Lane project on I-580; and

WHEREAS, the granting of said real property has been reviewed by Zone 7's staff who have determined that said fee simple property is no longer necessary to be retained for flood control purposes and that said TCE's are in the public interest and will not substantially conflict or interfere with the use of said real property by the District.

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 requests and recommends that the Board of Supervisors of Alameda County Flood Control and Water Conservation District approve granting said real property rights and does authorize the President of the Board of Supervisors to execute same.

BE IT FURTHER RESOLVED, that the General Manager be authorized to sign the Real Property Purchase Contracts consenting to the granting of said real property rights to Caltrans.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

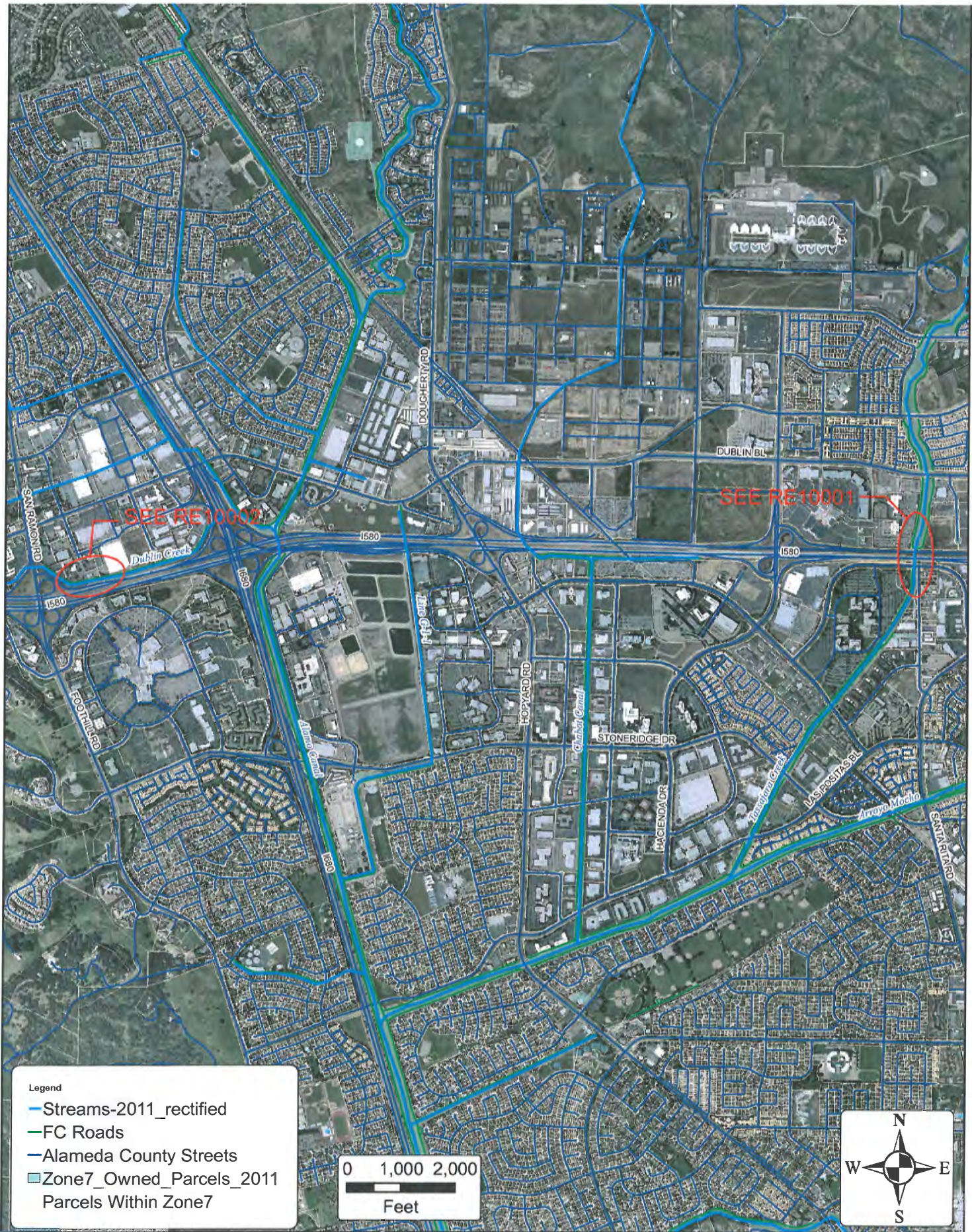
ABSTAIN:

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

February 15, 2012

By: _____
President, Board of Directors

Line K & Line T
Nos. 70157-70161
Map Nos. RE 10001 & RE 10002



ZONE 7 WATER AGENCY
100 North Canyons Parkway
Livermore, CA

DRAWN: BW

REVIEWED: BW

File:

SCALE: AS SHOWN

DATE: 2/6/2012

FIGURE #

Location Map
CALTRANS I-580
HOV Lane Project

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPCN, Epoch 2007.00. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000671 to obtain ground level distances.

TASSAJARA CREEK

MONUMENT BOX

PT.#	CCS83 (monument)		CCS83 (revised property corner)		DESCRIPTION
	NORTHING	EASTING	NORTHING	EASTING	
3007	2081123.859	6163490.381	-	-	FND ST MON - NO STAMP OR PUNCH
3008	2081887.008	6163450.636	-	-	FND ST MON - RE 25281
3032	2080642.853	6163092.313	-	-	FND ST MON - RE 25281
3033	2080618.447	6161711.632	-	-	FND ST MON - RE 25281
3155	2080651.536	6162762.760	-	-	FND ST MON - RE 25281
3156	2080656.541	6162762.679	-	-	FND ST MON - RE 25281
3159	2080659.349	6162828.616	-	-	FND ST MON - RE 25281
3271	2080962.679	6162801.887	2080962.385	6162801.816	FOUND 3/4 INCH IP - RE 25281

RANCHO SAN RAMON
CITY OF DUBLIN

DUBLIN REAL ESTATE INC.
DOC. 2008-261955 O.R.

PARCEL 2
290 PM 29
HAMCOR INC.
DOC. 2008-231974 O.R.

PARCEL A
234 PM 65
ACFC & WCD

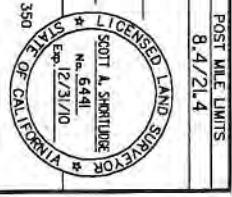
PARCEL 3
243 PM 74

DUBLIN CORPORATE CENTER 2 LP
DOC. 2007-308574 O.R.

LEGEND

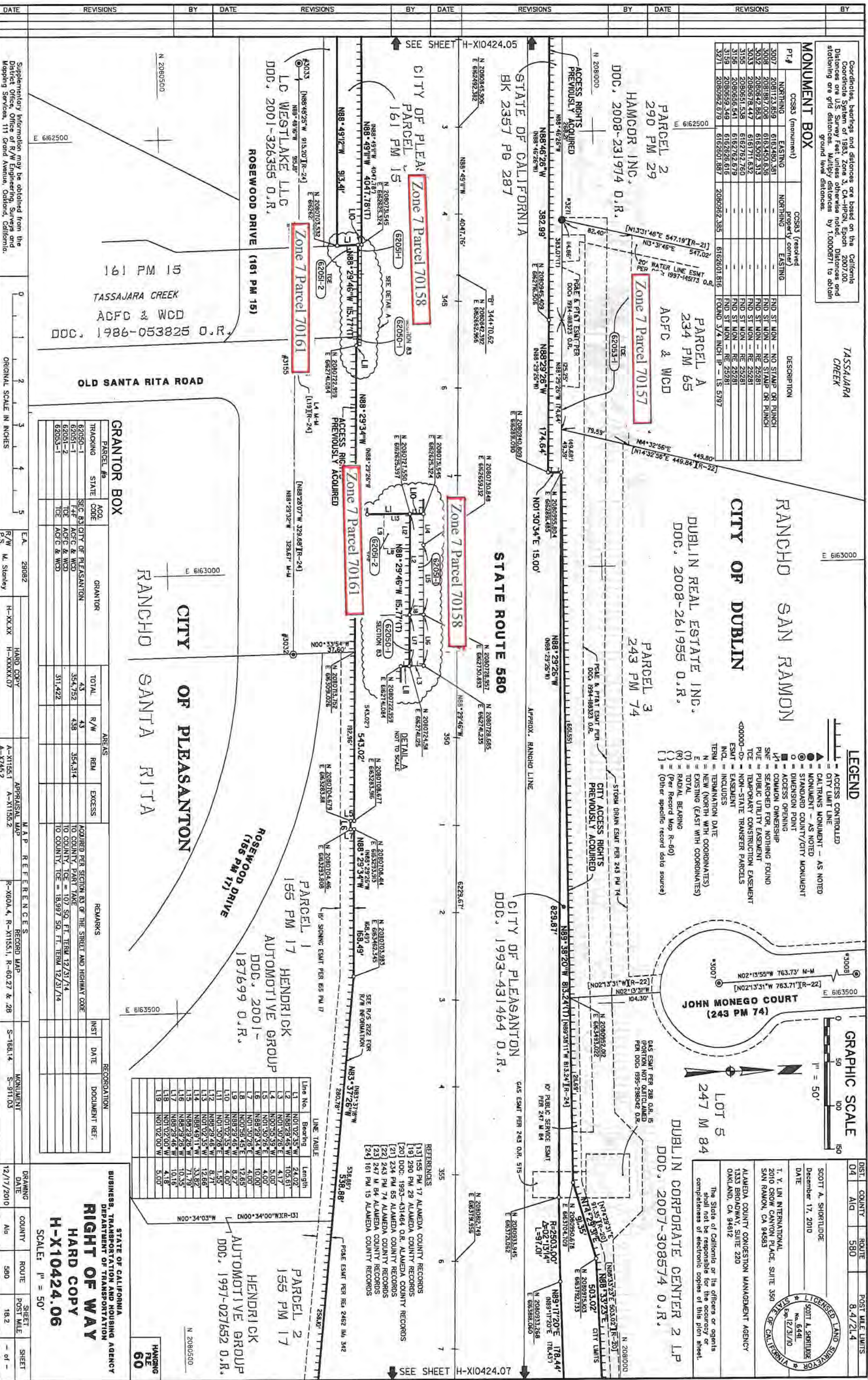
- ACCESS CONTROLLED
- CITY LIMIT LINE
- CALTRANS MONUMENT - AS NOTED
- MONUMENT - AS NOTED
- STANDARD COUNTY/CITY MONUMENT
- DIMENSION POINT
- ACCESS OPENING
- COMMON OWNERSHIP
- SEARCHED FOR, NOTHING FOUND
- PUE = PUBLIC UTILITY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- NON-STATE TRANSFER PARCELS
- ESMT = EASEMENT
- INCL = INCLUDES
- TERM = TERMINATION DATE
- N = NEW (NORTH WITH COORDINATES)
- E = EXISTING (EAST WITH COORDINATES)
- (T) = TOTAL
- (R) = RADIAL BEARING
- () = (Per Record Map R-60)
- [] = (Other specific record data source)

GRAPHIC SCALE



SCOTT A. SHORTLIDGE
December 17, 2010
T. Y. LIN INTERNATIONAL
2010 CROW CANYON PLACE, SUITE 350
SAN RAMON, CA 94583
ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
1333 BROADWAY, SUITE 220
OAKLAND, CA 94612

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.



SEE SHEET H-X10424.05
STATE OF CALIFORNIA
BLK 2357 PG 287

STATE ROUTE 580

CITY OF PLEASANTON
DOC. 1993-431464 O.R.

LC WESTLAKE LLC
DOC. 2001-326355 O.R.

PARCEL 1
155 PM 17 HENDRICK
AUTOMOTIVE GROUP
DOC. 2001-187699 O.R.

ROSEWOOD DRIVE
(155 PM 17)

161 PM 15
TASSAJARA CREEK
ACFC & WCD
DOC. 1986-053825 O.R.

OLD SANTA RITA ROAD

CITY OF PLEASANTON
RANCHO SANTA RITA

GRANTOR BOX

PARCEL #	ACQ. CODE	GRANTOR	TOTAL	R/W	REIN	EXCESS	REMARKS	INST	DATE	DOCUMENT REF.
62050-1	SEC 833 CITY OF PLEASANTON		43	43			ACQUIRED PER SECTION 83 OF THE STREET AND HIGHWAY CODE TO COUNTY, PART TAKE			
62051-1	ACFC & WCD		354,752	438		354,314	TO COUNTY, TOE = 107 SQ. FT. TERM 12/31/14			
62051-2	ACFC & WCD						TO COUNTY, TOE = 18,997 SQ. FT. TERM 12/31/14			
62053-1	ACFC & WCD		311,422							

RIGHT OF WAY
HARD COPY
H-X10424.06

SCALE: 1" = 50'

LINE NO.	Bearing	Length
L1	N01°02'35"W	24.02'
L2	N88°29'46"W	105.61'
L3	N01°30'26"E	4.17'
L4	N00°55'39"W	5.00'
L5	N01°30'26"E	4.00'
L6	N88°29'34"W	10.00'
L7	N01°30'26"E	4.00'
L8	N00°56'45"E	12.65'
L9	N88°29'46"W	8.27'
L10	N01°02'35"W	4.00'
L11	N01°30'26"E	1.55'
L12	N88°29'46"W	8.76'
L13	N01°02'35"W	13.82'
L14	N88°29'28"W	31.82'
L15	N88°29'28"W	10.45'
L16	N88°29'46"W	10.16'
L17	N01°02'00"W	4.18'
L18	N01°02'00"W	5.00'
L19	N01°02'00"W	5.00'

- REFERENCES
- [13] 155 PM 17 ALAMEDA COUNTY RECORDS
 - [19] 290 PM 29 ALAMEDA COUNTY RECORDS
 - [20] DOC. 1993-431464 O.R. ALAMEDA COUNTY RECORDS
 - [21] 234 PM 65 ALAMEDA COUNTY RECORDS
 - [22] 243 PM 74 ALAMEDA COUNTY RECORDS
 - [23] 247 PM 64 ALAMEDA COUNTY RECORDS
 - [24] 161 PM 15 ALAMEDA COUNTY RECORDS

DATE	REVISIONS	BY	DATE	REVISIONS	BY	DATE	REVISIONS	BY

Supplementary information may be obtained from the District Office, Office of R/W Engineering, Surveys and Mapping Services, 111 Grand Avenue, Oakland, California.

ORIGINAL SCALE IN INCHES

E.A. 28082
R/W M. Stanley

HARD COPY
H-XXXXX
H-XXXXX07

APPRAISAL MAP
A-X1155.1
A-X1155.2
A-X745.2

H.A.P. REFERENCES
RECORD MAP
R-8004.4, R-X1155.1, R-6027 & 28

MONUMENT
S-166.14
S-911.03

DRAWING
DATE 12/17/2010
COUNTY Alameda
ROUTE 580
SHEET 18.2
SHEET - of -

RE10001

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 2007.00. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000871 to obtain ground level distances.

MONUMENT BOX

PT #	NORTHING	EASTING	FIELD	FIELD	DESCRIPTION
3602	2080303.089	6147467.470	HELD	FIND CT 1 INCH ROW PIPE	
3606	2079852.192	6147197.259	HELD	FIND CT 1 INCH ROW PIPE	

CITY OF DUBLIN

REFERENCES
[268] 286 PM 5 ALAMEDA COUNTY RECORDS
[270] DOC: 1973-023963 O. R. ALAMEDA COUNTY RECORDS
[271] 143 PM 5 ALAMEDA COUNTY RECORDS
[272] 107 PM 50 ALAMEDA COUNTY RECORDS
[274] 249 PM 19 ALAMEDA COUNTY RECORDS
[275] 128 PM 73 ALAMEDA COUNTY RECORDS

LEGEND

- ACCESS CONTROLLED
- MONUMENT - AS NOTED
- STANDARD COUNTY/CITY MONUMENT
- MONUMENT - AS NOTED
- STANDARD COUNTY/CITY MONUMENT
- ACCESS OPENING
- COMMON OWNERSHIP
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- ESMT = EASEMENT
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- INCL. = INCLUDES
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- () = (Per Record Map R-60)
- { } = (Other specific record data source)
- { } = (Other specific record data source)



SCOTT A. SHORTIDGE
December 17, 2010
DATE
T. Y. LIN INTERNATIONAL
2010 CROW CANYON PLAGE, SUITE 350
SAN RAMON, CA 94583
ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
1333 BROADWAY, SUITE 220
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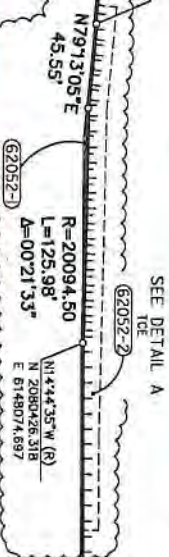
GRAPHIC SCALE



LOT D
143 PM 6

ALAMEDA COUNTY

SEE DETAIL A



STATE ROUTE 580

Zone 7 Parcel 70160

SEE CT ROW MAP R-72Y.26

SEE CT ROW MAP R-72Y.24

CITY OF PLEASANTON

GRANTOR BOX

PARCEL #	ADO	GRANTOR	TOTAL	R/W	REM	EXCESS	REMARKS
62052-1	F&F	ACFC & WCD	146.034	184	145.850		TO COUNTY, PART TAKE
62052-2	TCE	ACFC & WCD					TO COUNTY, TCE = 2.726 SQ. FT. TERM 12/31/14

CURVE TABLE				RECORD DATA			
Curve No.	Radius	Delta	Length	Radius	Delta	Length	Reference
C1	20094.50	0.02133	125.98				
C2	20104.50	0.03008	176.21				
C3	211.98	26.2804	97.80	212.00	26.2957	97.80	(R-268)
C4	174.98	42.3456	130.05	175.00	42.3500	130.06	(R-268)
C5	989.91	0.53216	95.68	990.00	0.53216	95.68	(R-271)

LINE TABLE			RECORD DATA		
Line No.	Bearing	Length	Bearing	Length	Reference
L1	N79°13'05"W	0.65'			
L2	N79°13'05"E	45.55'			
L3	N79°13'05"E	61.65'			
L4	N73°58'20"E	110.00'			
L5	N79°13'05"E	55.18			
L6	N73°58'20"E	49.13			
L7	N70°46'55"W	10.60'			
L8	N1°41'03"W	8.80'			
L9	N88°00'16"E	77.85'			(R-271)
L10	N61°24'42"E	27.35'	N61°24'42"E	27.35'	(R-271)
L11	N76°24'44"E	71.69'	N76°24'44"E	71.50'	(R-268)
L12	N76°24'44"E	22.32'	N76°24'44"E	22.32'	(R-268)

RIGHT OF WAY
HARD COPY
H-X10424.01

SCALE: 1" = 50'

DRAWING	COUNTY	ROUTE	SHEET
DATE	Alameda	580	21.2

RE100002

_____, 2012

ZONE 7 WATER AGENCY

Grantor(s)

REAL PROPERTY PURCHASE CONTRACT
ALAMEDA COUNTY TRANSPORTATION COMMISSION
Interstate 580 High Occupancy Vehicle (HOV) Lane Project
Assessor's Parcel No. 941-2780-024-00 (Por.)

Documents in the form of a Grant Deed, State of California Parcel No. 62051-1 and a Temporary Construction Easement, State Parcel No. 62051-2, covering the property particularly described in the said instruments have been executed and delivered to Erica M. Stafford, Associate Right-of-Way Agent, County of Alameda, acting on behalf of the Alameda County Transportation Commission, hereinafter referred to as ACTC, who is acquiring the aforesaid real property for the State of California.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said documents and shall relieve the ACTC and the State of California of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
- (B) Grantee requires said property described in Document Nos. 62051-1 and 62051-2 for State highway purposes, a public use for which the Grantee has the authority to exercise the power of eminent domain. Grantor(s) is compelled to sell, and Grantee is compelled to acquire the real property.

Both Grantor(s) and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.

Grantee recognizes that Grantor acquired the Tassajara Creek known as Line K in Zone 7 property for flood control purposes and the State of California agrees that the construction of the project is to be in a manner that will not substantially conflict or interfere with the use of said channel property by the Grantor for flood control purposes.

2. ACTC shall:

- (A) Pay the undersigned Grantor(s) the sum of \$500.00, for the property or interest conveyed by the above documents when title to said property vests in the State, free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded), and taxes, except:
 - a. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.
 - b. Covenants, conditions, restrictions, and reservations of record, or contained in the above-referenced document.

c. Easements or rights of way over said land for public or quasi-public utility or public street purposes, if any.

(B) Pay all escrow and recording fees incurred in this transaction and, if title insurance is desired by the State, the premium charged therefore. Said escrow and recording charges shall not, however include documentary transfer tax.

(C) Have the authority to deduct and pay from the amount shown in Clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments, which have become a lien at the close of escrow.

3. Any or all monies payable under this contract up to and including the total amount of unpaid principal and interest on a note secured by a mortgage or deed of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said trust deed or mortgage, shall, upon demand be made payable to mortgagee or beneficiary entitled thereunder; said mortgagee or beneficiary to furnish grantor with good and sufficient receipt showing said monies credited against the indebtedness secured by said mortgage or deed of trust.

4. The undersigned Grantor(s) hereby agree(s) and consent(s) to the dismissal of any eminent domain action in the Superior Court wherein the herein described land is included and also waive(s) any and all claims to any money that may now be on deposit in said action.

5. The acquisition price of the property being acquired in this transaction reflects the fair market value of the property without the presence of contamination. If the property being acquired is found to be contaminated by the presence of hazardous waste that requires mitigation under Federal or State law, ACTC may elect to recover its cleanup costs from those who caused or contributed to the contamination.

6. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the State or its authorized agents, including the right to remove and dispose of improvements, shall commence on January 1, 2012, or the close of escrow controlling this transaction, whichever occurs first, and that the payment shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any from said date.

Prior to commencement of construction of the Project in the channel Grantee's contractor shall obtain a construction permit from Grantor. Approval and issuance of the construction permit, based on Project plans and specifications, will not be unreasonably withheld by Grantor.

7. It is understood and agreed that the Grantor(s) shall eliminate to the satisfaction of the below named title company the effect of the following exceptions disclosed on that certain preliminary title report prepared by North American Title Company, Order No. 56901-991959-10, dated March 2, 2010:

None

8. This transaction will be administered through an escrow with North American Title Company, 4255 Hopyard Road, Suite 100, Pleasanton, CA, 94588, (510) 224-8810, Escrow No. 56901-1032534-10.

///

///

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

RECOMMENDED FOR APPROVAL:

Erica M. Stafford
Associate Right-of-Way Agent
On behalf of the Alameda County
Transportation Commission

G.F. Duering
General Manager
Zone 7 Water Agency aka Alameda Flood
Control and Water Conservation District

Rory MacNeil, SR/WA
Acting Chief, Right of Way Services Section
County of Alameda
Public Works Agency

Grantor(s)

APPROVED:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

ALAMEDA COUNTY TRANSPORTATION
COMMISSION

By: _____
Allison G. Paich
Interim District Office Chief, District 4
Right of Way Acquisition Services

Arthur L. Dao
Executive Director

By: _____
Mark L. Weaver
Deputy District Director, District 4
Right of Way and Land Surveys

No Obligation Other Than Those Set Forth Herein Will Be Recognized.

RECORDING REQUESTED BY:

STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO:

DEPARTMENT OF TRANSPORTATION

P. O. Box 23440, Mail STA - 11

Oakland, CA 94623-0440

Attn: Julie McDaniel

Space above this line for Recorder's Use

GRANT DEED

(INDIVIDUAL)

District	County	Route	Post	Number
04	ALA	580	18.2	62051-1

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a
body corporate and politic, also known as the Zone 7 Water Agency,

GRANT(s) to the STATE OF CALIFORNIA, all that real property in the City of Pleasanton,

County of Alameda, State of California, described as:

Please see EXHIBIT "A" attached.

Transfer Tax Not Applicable: R & T Code 11922

STATE BUSINESS: Free

This is to certify that this document is presented for recordation by the State of California under Government Code 27383 and is necessary to complete the chain of title of the State to property acquired by the State of California.

DISTRICT DIRECTOR

By: _____

MARK L. WEAVER

Deputy District Director

Right of Way and Land Surveys

Number
62051-1

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Dated this _____ day of _____, 20____.

**ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT**

By: _____

By: _____

STATE OF CALIFORNIA }
County of _____ } ss

ACKNOWLEDGMENT

On _____ before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand

this _____ day of _____, 20____.

MALCOLM DOUGHERTY
Acting Director of Transportation

By _____
Attorney in Fact
MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

Number
62051

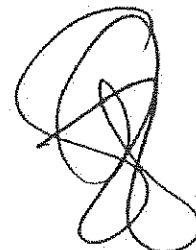
EXHIBIT "A"

Land Description of a parcel of land situate in the City of Dublin, Alameda County, California, same being a portion of that certain parcel of land described in the Grant Deed to Alameda County Flood Control and Water Conservation District (ACFC&WCD), and recorded March 5, 1986 as document number 1986053825, Official Records of Alameda County, more particularly described as follows:

Parcel 1(62051-1) (Zone 7 No. 70158)

Beginning at a point on the southerly line of the existing State Route 580 and being at the east terminus of the course labeled "North 88° 49' 11" West – 346.33 feet" as described in Parcel 1 (5.406 acres) of the Director's Deed to Southern Pacific Transportation Company recorded on June 25, 1971 in Reel 2883, Image 689, Official Records of Alameda County, same point being a corner on the north line of the said ACFC&WCD parcel; Thence along said north line, South 88° 29' 26" East – 71.79 feet to the northeast corner of the ACFC&WCD parcel; Thence along the east line of the ACFC&WCD parcel, South 01° 02' 00" East – 4.18 feet; Thence leaving said east line of and across the ACFC&WCD parcel, North 88° 29' 46" West – 105.61 feet to a point on the west line of the ACFC&WCD parcel; Thence along said west line, North 01° 02' 35" West – 4.00 feet to the northwest corner of the ACFC&WCD parcel, same corner being on the northerly line of said 5.406 acre parcel; Thence along the northerly line of the aforementioned 5.406 acre parcel, South 88° 49' 11" East – 33.82 feet to the Point of Beginning.

Containing 438 square feet of land area, more or less.

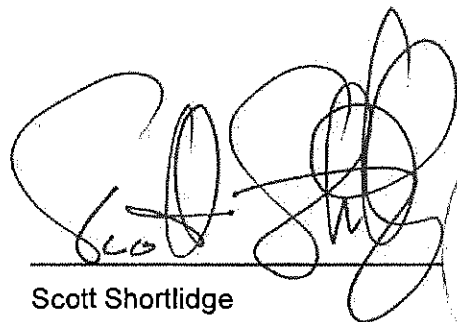


Number
62051

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 2007.00. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000871 to obtain ground level distances.

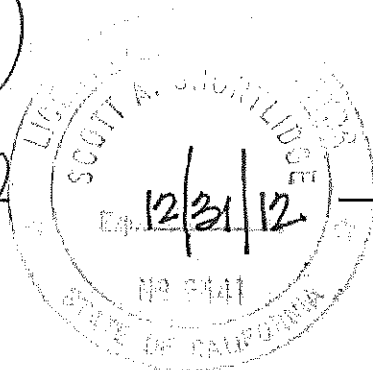
This description was prepared by me, or under my direct supervision.



Scott Shortlidge

Professional Land Surveyor

California No. 6441



5-13-2011

Date

RECORDING REQUESTED BY:

STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO:

DEPARTMENT OF TRANSPORTATION

P. O. Box 23440, Mail STA - 11

Oakland, CA 94623-0440

Attn: Julie McDaniel

Space above this line for Recorder's Use

EASEMENT DEED

District	County	Route	Post	Number
04	ALA	580	18.2	62051-2

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a
body corporate and politic, also known as the Zone 7 Water Agency,

GRANT(s) to the State of California an EASEMENT for Temporary Construction purposes until December
31, 2014, upon, over and across that certain real property in the City of Dublin, County of Alameda, State of
California, described as follows:

SEE EXHIBIT "A" ATTACHED.

Transfer Tax Not Applicable: R & T Code 11922

STATE BUSINESS: Free

This is to certify that this document is presented for recordation by the State of California under
Government Code 27383 and is necessary to complete the chain of title of the State to property acquired
by the State of California.

DISTRICT DIRECTOR

By: _____

MARK L. WEAVER

Deputy District Director

Right of Way and Land Surveys

Number
62051-2

Dated this _____ day of _____, 20__.

**ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT**

By: _____

By: _____

STATE OF CALIFORNIA }
County of _____ } ss

ACKNOWLEDGMENT

On _____ before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand

this _____ day of _____, 20_____.

MALCOLM DOUGHERTY
Acting Director of Transportation

By _____
Attorney in Fact
MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

EXHIBIT "A"

Land Description of a parcel of land situate in the City of Dublin, Alameda County, California, same being a portion of that certain parcel of land described in the Grant Deed to Alameda County Flood Control and Water Conservation District (ACFC&WCD), and recorded March 5, 1986 as document number 1986053825, Official Records of Alameda County, more particularly described as follows:

Parcel 2(62051-2) (Zone 7 No. 70161)

Commencing at a point on the southerly line of the existing State Route 580, and being at the east terminus of the course labeled "North 88° 49' 11" West – 346.33 feet" as described in Parcel 1 (5.406 acres) of the Director's Deed to Southern Pacific Transportation Company recorded on June 25, 1971 in Reel 2883, Image 689, Official Records of Alameda County, same point being a corner on the north line of the said ACFC&WCD parcel; Thence along the north line of the ACFC&WCD parcel, North 88° 49' 11" West – 33.82 feet to the northwest corner of the said ACFC&WCD parcel; Thence along the west line of said parcel, South 01° 02' 35" East – 4.00 feet for the beginning of the herein described parcel; Thence leaving said west line and across the ACFC&WCD parcel for the following three courses: (1) South 88° 29' 46" East – 8.71 feet, (2) South 00° 56' 45" West – 12.65 feet, and (3) North 88° 29' 46" West – 8.27 feet to the west line of said parcel; Thence along said west line, North 01° 02' 35" West – 12.66 feet to the Point of Beginning.

Containing 107 square feet of land area, more or less.

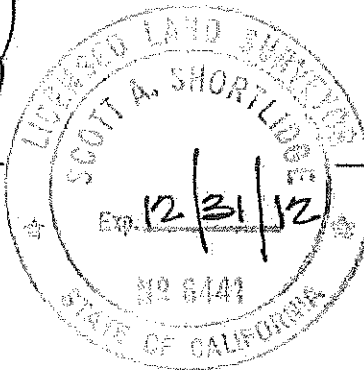


Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 2007.00. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000871 to obtain ground level distances.

This description was prepared by me, or under my direct supervision.



Scott Shortlidge
Professional Land Surveyor
California No. 6441



5-16-2011
Date

_____, 2012

ZONE 7 WATER AGENCY

Grantor(s)

REAL PROPERTY PURCHASE CONTRACT
ALAMEDA COUNTY TRANSPORTATION COMMISSION
Interstate 580 High Occupancy Vehicle (HOV) Lane Project
Assessor's Parcel No. 941-1500-020-00 (Por.)

Documents in the form of a Grant Deed, State of California Parcel No. 62052-1 and a Temporary Construction Easement, State Parcel No. 62052-2, covering the property particularly described in the said instruments have been executed and delivered to Erica M. Stafford, Associate Right-of-Way Agent, County of Alameda, acting on behalf of the Alameda County Transportation Commission, hereinafter referred to as ACTC, who is acquiring the aforesaid real property for the State of California.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said documents and shall relieve the ACTC and the State of California of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
- (B) Grantee requires said property described in Document Nos. 62052-1 and 62052-2 for State highway purposes, a public use for which the Grantee has the authority to exercise the power of eminent domain. Grantor(s) is compelled to sell, and Grantee is compelled to acquire the real property.

Both Grantor(s) and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.

Grantee recognizes that Grantor acquired the Dublin Creek known as Line T in Zone 7 property for flood control purposes and the State of California agrees that the construction of the project is to be in a manner that will not substantially conflict or interfere with the use of said channel property by the Grantor for flood control purposes.

2. ACTC shall:

- (A) Pay the undersigned Grantor(s) the sum of \$500.00, for the property or interest conveyed by the above documents when title to said property vests in the State, free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded), and taxes, except:
 - a. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.
 - b. Covenants, conditions, restrictions, and reservations of record, or contained in the above-referenced document.

c. Easements or rights of way over said land for public or quasi-public utility or public street purposes, if any.

(B) Pay all escrow and recording fees incurred in this transaction and, if title insurance is desired by the State, the premium charged therefore. Said escrow and recording charges shall not, however include documentary transfer tax.

(C) Have the authority to deduct and pay from the amount shown in Clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments, which have become a lien at the close of escrow.

3. Any or all monies payable under this contract up to and including the total amount of unpaid principal and interest on a note secured by a mortgage or deed of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said trust deed or mortgage, shall, upon demand be made payable to mortgagee or beneficiary entitled thereunder; said mortgagee or beneficiary to furnish grantor with good and sufficient receipt showing said monies credited against the indebtedness secured by said mortgage or deed of trust.

4. The undersigned Grantor(s) hereby agree(s) and consent(s) to the dismissal of any eminent domain action in the Superior Court wherein the herein described land is included and also waive(s) any and all claims to any money that may now be on deposit in said action.

5. The acquisition price of the property being acquired in this transaction reflects the fair market value of the property without the presence of contamination. If the property being acquired is found to be contaminated by the presence of hazardous waste that requires mitigation under Federal or State law, ACTC may elect to recover its cleanup costs from those who caused or contributed to the contamination.

6. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the State or its authorized agents, including the right to remove and dispose of improvements, shall commence on January 1, 2012, or the close of escrow controlling this transaction, whichever occurs first, and that the payment shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any from said date.

Prior to commencement of construction of the Project in the channel Grantee's contractor shall obtain a construction permit from Grantor. Approval and issuance of the construction permit, based on Project plans and specifications, will not be unreasonably withheld by Grantor.

7. It is understood and agreed that the Grantor(s) shall eliminate to the satisfaction of the below named title company the effect of the following exceptions disclosed on that certain preliminary title report prepared by North American Title Company, Order No. 56901-991959-10, dated March 2, 2010:

None

8. This transaction will be administered through an escrow with North American Title Company, 4255 Hopyard Road, Suite 100, Pleasanton, CA, 94588, (510) 224-8810, Escrow No. 56901-1032534-10.

///

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

RECOMMENDED FOR APPROVAL:

Erica M. Stafford
Associate Right-of-Way Agent
On behalf of the Alameda County
Transportation Commission

Rory MacNeil, SR/WA
Acting Chief, Right of Way Services Section
County of Alameda
Public Works Agency

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By:

Allison G. Paich
Interim District Office Chief, District 4
Right of Way Acquisition Services

By:

Mark L. Weaver
Deputy District Director, District 4
Right of Way and Land Surveys

G.F. Duering
General Manager
Zone 7 Water Agency aka Alameda Flood
Control and Water Conservation District

Grantor(s)

APPROVED:

ALAMEDA COUNTY TRANSPORTATION
COMMISSION

Arthur L. Dao
Executive Director

No Obligation Other Than Those Set Forth Herein Will Be Recognized.

RECORDING REQUESTED BY:
STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO:
DEPARTMENT OF TRANSPORTATION
P. O. Box 23440, Mail STA - 11
Oakland, CA 94623-0440
Attn: Julie McDaniel

Space above this line for Recorder's Use

GRANT DEED
(INDIVIDUAL)

District	County	Route	Post	Number
04	ALA	580	21.2	62052-1

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a
body corporate and politic, also known as the Zone 7 Water Agency,

GRANT(s) to the STATE OF CALIFORNIA, all that real property in the City of Dublin,
County of Alameda, State of California, described as:

Please see EXHIBIT "A" attached.

Transfer Tax Not Applicable: R & T Code 11922

STATE BUSINESS: Free

This is to certify that this document is presented for recordation by the State of California under Government Code 27383 and is necessary to complete the chain of title of the State to property acquired by the State of California.

DISTRICT DIRECTOR

By: _____

MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

EXHIBIT "A"

Land Description of a parcel of land situate in the County of Alameda, State of California, same being a portion of that certain parcel of land described in the Corporation Grant Deed to Alameda County Flood Control and Water Conservation District (ACFC&WCD) and recorded February 26, 1973 as Reel 3349, Image 259, Official Records of Alameda County, more particularly described as follows:

Parcel 1(62052-1) (Zone 7 No. 70160)

Beginning at a point on the northerly line of the existing State Route 580, same point being at the easterly terminus of that course labeled "North 79° 30' 36" East – 670.69 feet" described in a Grant Deed to the State of California and recorded on September 06, 1963 as Reel 984, Image 687, Official Records of Alameda County, same corner being on the line of the said ACFC&WCD parcel; Thence along the south line of said ACFC&WCD parcel, same being the north line of said State Route 580 parcel, South 79° 30' 36" West – 61.66 feet; Thence leaving said line and crossing through the ACFC&WCD parcel for the following three (3) courses: (1) North 10° 46' 55" West – 0.65 feet, (2) North 79° 13' 05" East – 45.55 feet for the beginning of a curve to the right, from which point the center bears South 15° 06' 08" East, and (3) in a southeasterly direction 125.98 feet along the arc of said curve to the right, having a radius of 20,094.50 feet and through a central angle of 00° 21' 33" to a point on the south line of said ACFC&WCD parcel, same being the north line of said State Route 580 parcel; Thence along said south line, South 73° 58' 20" West – 110.00 feet to the Point of Beginning.

Containing 184 square feet of land area, more or less.



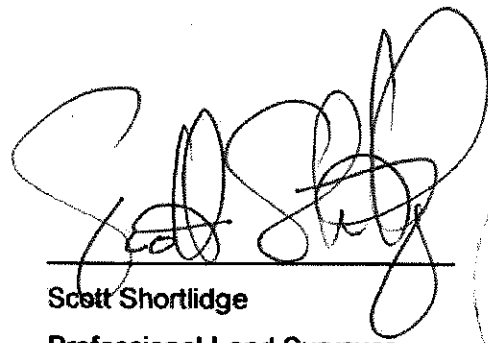
Number

62052

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 2007.00. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000871 to obtain ground level distances.

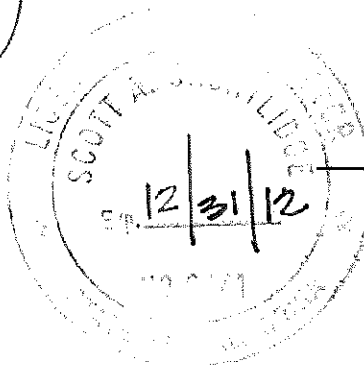
This description was prepared by me, or under my direct supervision.



Scott Shortlidge

Professional Land Surveyor

California No. 6441



5-13-2011

Date

RECORDING REQUESTED BY:

STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO:

DEPARTMENT OF TRANSPORTATION

P. O. Box 23440, Mail STA - 11

Oakland, CA 94623-0440

Attn: Julie McDaniel

Space above this line for Recorder's Use

EASEMENT DEED

District	County	Route	Post	Number
04	ALA	580	21.2	62052-2

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a
body corporate and politic, also known as the Zone 7 Water Agency,

GRANT(s) to the State of California an EASEMENT for Temporary Construction purposes until December 31, 2014, upon, over and across that certain real property in the City of Dublin, County of Alameda, State of California, described as follows:

SEE EXHIBIT "A" ATTACHED.

Transfer Tax Not Applicable: R & T Code 11922

STATE BUSINESS: Free

This is to certify that this document is presented for recordation by the State of California under Government Code 27383 and is necessary to complete the chain of title of the State to property acquired by the State of California.

DISTRICT DIRECTOR

By: _____

MARK L. WEAVER

Deputy District Director

Right of Way and Land Surveys

Number
62052-2

Dated this _____ day of _____, 20____.

**ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT**

By: _____

By: _____

STATE OF CALIFORNIA }
County of _____ } ss

ACKNOWLEDGMENT

On _____ before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand

this _____ day of _____, 20____.

MALCOLM DOUGHERTY
Acting Director of Transportation

By _____
Attorney in Fact
MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

EXHIBIT "A"

Land Description of a parcel of land situate in the County of Alameda, State of California, same being a portion of that certain parcel of land described in the Corporation Grant Deed to Alameda County Flood Control and Water Conservation District (ACFC&WCD) dated December 07, 1970, and recorded February 26, 1973 as Reel 3349, Image 259, Official Records of Alameda County, more particularly described as follows:



Parcel 2(62052-2) (Zone 7 No. 70159)

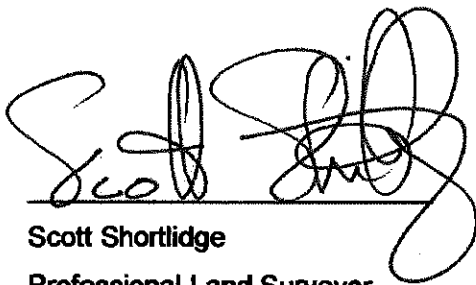
Commencing at a point on the northerly line of the existing State Route 580, same point being at the easterly terminus of that course labeled "North 79° 30' 36" East – 670.69 feet" described in a Grant Deed to the State of California and recorded on September 06, 1963 as Reel 984, Image 687, Official Records of Alameda County, same corner being on the line of the said ACFC&WCD parcel; Thence along the south line of said ACFC&WCD parcel, South 79° 30' 36" West – 61.66 feet for the Point of Beginning hereof; Thence continuing along said line, South 79° 30' 36" West – 10.00 feet; Thence leaving said line and crossing through the said ACFC&WCD parcel for the following five (5) courses: (1) North 10° 46' 55" West – 10.60 feet, (2) North 79° 13' 05" East – 55.18 feet for the beginning of a curve to the right, from which point the center bears South 15° 06' 04" East, (3) in a southeasterly direction 176.21 feet along the arc of said curve to the right, having a radius of 20,104.50 feet and through a central angle of 00° 30' 08", (4) North 73° 58' 20" East – 49.13 feet, and (5) South 14° 42' 03" East – 8.80 feet to a point on the south line of the said ACFC&WCD parcel; Thence along said south line, South 73° 58' 20" West – 99.69 feet for the beginning of a curve to the left, from which point the center bears South 14° 44' 35" East; Thence leaving said common line and across the ACFC&WCD parcel for the following three (3) courses: (1) in a southwesterly direction 125.98 feet along the arc of said curve to the left, having a radius of 20094.50 feet and through a central angle of

00° 21' 33", (2) South 79° 13' 05" West – 45.55 feet, and (3) South 10° 46' 55" East – 0.65 feet to the Point of Beginning.

Containing 2,726 square feet of land area, more or less.

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 2007.00. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000871 to obtain ground level distances.

This description was prepared by me, or under my direct supervision.



Scott Shortlidge

Professional Land Surveyor

California No. 6441



5-16-2011

Date

_____, 2012

ZONE 7 WATER AGENCY

Grantor(s)

REAL PROPERTY PURCHASE CONTRACT
ALAMEDA COUNTY TRANSPORTATION COMMISSION
Interstate 580 High Occupancy Vehicle (HOV) Lane Project
Assessor's Parcel No. 986-0016-018-00 (Por.)

Documents in the form of a Temporary Construction Easement Deed, State of California Parcel No. 62053-1, covering the property particularly described in the said instruments have been executed and delivered to Erica M. Stafford, Associate Right-of-Way Agent, County of Alameda, acting on behalf of the Alameda County Transportation Commission, hereinafter referred to as ACTC, who is acquiring the aforesaid real property for the State of California.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said documents and shall relieve the ACTC and the State of California of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
- (B) Grantee requires said property described in Document Nos. 62053-1 for State highway purposes, a public use for which the Grantee has the authority to exercise the power of eminent domain. Grantor(s) is compelled to sell, and Grantee is compelled to acquire the real property.

Both Grantor(s) and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.

Grantee recognizes that Grantor acquired the Tassajara Creek known as Line K in Zone 7 property for flood control purposes and the State of California agrees that the construction of the project is to be in a manner that will not substantially conflict or interfere with the use of said channel property by the Grantor for flood control purposes.

2. ACTC shall:

- (A) Pay the undersigned Grantor(s) the sum of \$500.00, for the property or interest conveyed by the above documents when title to said property vests in the State, free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded), and taxes, except:
 - a. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.
 - b. Covenants, conditions, restrictions, and reservations of record, or contained in the above-referenced document.

c. Easements or rights of way over said land for public or quasi-public utility or public street purposes, if any.

(B) Pay all escrow and recording fees incurred in this transaction and, if title insurance is desired by the State, the premium charged therefore. Said escrow and recording charges shall not, however include documentary transfer tax.

(C) Have the authority to deduct and pay from the amount shown in Clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments, which have become a lien at the close of escrow.

3. Any or all monies payable under this contract up to and including the total amount of unpaid principal and interest on a note secured by a mortgage or deed of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said trust deed or mortgage, shall, upon demand be made payable to mortgagee or beneficiary entitled thereunder; said mortgagee or beneficiary to furnish grantor with good and sufficient receipt showing said monies credited against the indebtedness secured by said mortgage or deed of trust.

4. The undersigned Grantor(s) hereby agree(s) and consent(s) to the dismissal of any eminent domain action in the Superior Court wherein the herein described land is included and also waive(s) any and all claims to any money that may now be on deposit in said action.

5. The acquisition price of the property being acquired in this transaction reflects the fair market value of the property without the presence of contamination. If the property being acquired is found to be contaminated by the presence of hazardous waste that requires mitigation under Federal or State law, ACTC may elect to recover its cleanup costs from those who caused or contributed to the contamination.

6. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the State or its authorized agents, including the right to remove and dispose of improvements, shall commence on January 1, 2012, or the close of escrow controlling this transaction, whichever occurs first, and that the payment shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any from said date.

Prior to commencement of construction of the Project in the channel Grantee's contractor shall obtain a construction permit from Grantor. Approval and issuance of the construction permit, based on Project plans and specifications, will not be unreasonably withheld by Grantor.

7. It is understood and agreed that the Grantor(s) shall eliminate to the satisfaction of the below named title company the effect of the following exceptions disclosed on that certain preliminary title report prepared by North American Title Company, Order No. 56901-991959-10, dated March 2, 2010:

None

8. This transaction will be administered through an escrow with North American Title Company, 4255 Hopyard Road, Suite 100, Pleasanton, CA, 94588, (510) 224-8810, Escrow No. 56901-1032534-10.

///

///

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

RECOMMENDED FOR APPROVAL:

Erica M. Stafford
Associate Right-of-Way Agent
On behalf of the Alameda County
Transportation Commission

Rory MacNeil, SR/WA
Acting Chief, Right of Way Services Section
County of Alameda
Public Works Agency

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By:

Allison G. Paich
Interim District Office Chief, District 4
Right of Way Acquisition Services

By:

Mark L. Weaver
Deputy District Director, District 4
Right of Way and Land Surveys

G.F. Duering
General Manager
Zone 7 Water Agency aka Alameda Flood
Control and Water Conservation District

Grantor(s)

APPROVED:

ALAMEDA COUNTY TRANSPORTATION
COMMISSION

Arthur L. Dao
Executive Director

No Obligation Other Than Those Set Forth Herein Will Be Recognized.

RECORDING REQUESTED BY:
STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO:
DEPARTMENT OF TRANSPORTATION
P. O. Box 23440, Mail STA - 11
Oakland, CA 94623-0440
Attn: Julie McDaniel

Space above this line for Recorder's Use

EASEMENT DEED

District	County	Route	Post	Number
04	ALA	580	18.2	62053-1

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a
body corporate and politic, also known as the Zone 7 Water Agency,

GRANT(s) to the State of California an EASEMENT for Temporary Construction purposes until December 31, 2014, upon, over and across that certain real property in the City of Dublin, County of Alameda, State of California, described as follows:

SEE EXHIBIT "A" ATTACHED.

Transfer Tax Not Applicable: R & T Code 11922

STATE BUSINESS: Free

This is to certify that this document is presented for recordation by the State of California under Government Code 27383 and is necessary to complete the chain of title of the State to property acquired by the State of California.

DISTRICT DIRECTOR

By: _____
MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

Number
62053-1

Dated this _____ day of _____, 20____.

**ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT**

By: _____

By: _____

STATE OF CALIFORNIA }
County of _____ } ss

ACKNOWLEDGMENT

On _____ before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand

this _____ day of _____, 20____.

MALCOLM DOUGHERTY
Acting Director of Transportation

By _____
Attorney in Fact
MARK L. WEAVER
Deputy District Director
Right of Way and Land Surveys

EXHIBIT "A"

Land Description of a parcel of land situate in the City of Dublin, Alameda County, California, same being a portion of that certain parcel of land described as Parcel One in the Grant Deed to Alameda County Flood Control and Water Conservation District, and recorded January 3, 2001 as document number 2001003564, same being Parcel A as shown on that certain map entitled, "Parcel Map 7257 Summer Glen" filed in Book 234 of Maps, at pages 65 through 71, Official Records of Alameda County, more particularly described as follows:

Parcel 1(62053-1) (Zone 7 No. 70157)

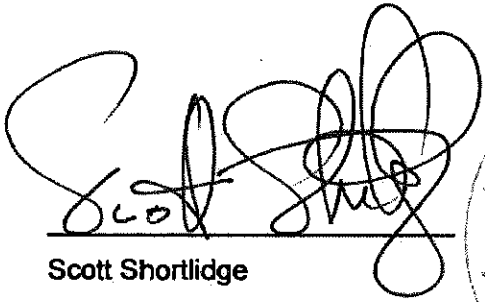


Beginning at a point on the northerly line of the existing State Route 580, same point being on the north line of that certain parcel of land described in a Director's Deed to the State of California and recorded January 24, 1969 under Reel 2357, Image 287, Official Records of Alameda County, also being the southwesterly corner of said Parcel A; Thence along the west line of said Parcel A, North 13° 31' 46" East – 82.40 feet; Thence leaving said west line and across said Parcel A, South 87° 54' 00" East – 240.92 feet to the east line of said Parcel A; Thence along said east line, South 14° 32' 56" West – 79.59 feet to the southeast corner of said Parcel A; Thence along the south line of said Parcel A the following two (2) courses: (1) North 88° 29' 26" West – 125.25 feet, and (2) North 88° 46' 26" West – 114.86 feet to the Point of Beginning.

Containing 18,997 square feet of land area, more or less.

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 2007.00. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000871 to obtain ground level distances.

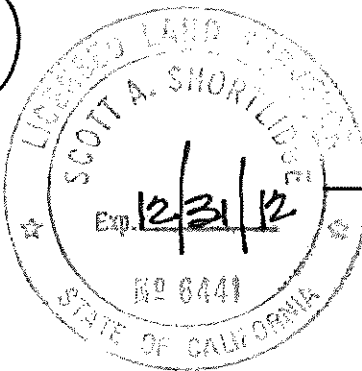
This description was prepared by me, or under my direct supervision.



Scott Shortlidge

Professional Land Surveyor

California No. 6441



5-16-2011

Date



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: JUDY RECTOR

AGENDA DATE: February 15, 2012

ITEM NO. **5d**

SUBJECT: Zone 7 Conflict of Interest Code - Biennial Review

SUMMARY:

- Every local governmental agency must review its Conflict of Interest Code biennially to determine if it is accurate or if the code must be amended.
- The last Zone 7 Water Agency Conflict of Interest Code review and update was in June 2010.
- This update is in preparation for submittal of the 2011 Form 700's.
- A review of Zone 7's Conflict of Interest Code indicates that no changes are necessary other than amending the list of Designated Positions to reflect positions which have been added, deleted or have had title changes since the last review.

FUNDING:

No funding is required for this action.

RECOMMENDED ACTION:

Adopt the attached resolution amending the Zone 7 Conflict of Interest Code.

ATTACHMENTS:

- Memo providing additional background and discussion
- Zone 7 Board Resolution

Interoffice Memo

Date: February 15, 2012
To: Jill Duerig
From: Judy Rector
Subject: Zone 7 Conflict of Interest Code - Biennial Review

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

BACKGROUND:

Under provisions of the Political Reform Act, every local governmental agency must review its conflict of interest code biennially to determine if it is accurate or if the code must be amended. Amendments made to Zone 7's conflict of interest code must be forwarded to the Alameda County Board of Supervisors for approval. The revisions will become effective 60 days after approval by the County Board.

This Conflict of Interest Code is promulgated under the authority of the Political Reform Act, Government Code section 8100 et seq., which requires all state and local government agencies to adopt and promulgate a conflict of interest code. Regulation 2 Cal. Code of Regs., Section 18730, as adopted by the Fair Political Practices Commission contains the terms of a standard conflict of interest code, which may be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act.

Therefore, the terms of 2 Cal. Code of Regs., Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which positions are designated and disclosure categories are set forth constitute the Conflict of Interest Code of Zone 7 Water Agency.

Designated employees other than the General Manager shall file their statements of economic interest with the Board Secretary who will make the Statements available for public inspection and reproduction (Gov. Code Section 81008). The original statement of the General Manager shall be forwarded to the Clerk, Board of Supervisors and a copy retained by the Board Secretary.

DISCUSSION:

No changes are necessary other than amending the list of Designated Positions to reflect positions which have been added, deleted or have had title changes since the last review. Those changes are:

1. Add the following positions to the list of Designated Positions:

Associate Water Control Systems Engineer
Water Conservation Coordinator

2. Delete the following Designated positions:

Production Manager
Assistant Water Systems Supervisor
Civil Law Clerk
Environmental & Public Affairs Manager
Communications Specialist
Safety Technician I/II
Human Resources Manager
Sr. Staff Analyst
Sr. Procurement & Contracts Specialist
Assistant Engineer, Zone 7
Associate Engineer, Zone 7
Water Resources Technician II
Water Resources Technician III
Assistant Water Resources Planner
Associate Water Resources Planner
Geographic Information Systems Analyst

3. Title changes:

<u>From:</u>	<u>To:</u>
Senior Management Assistant	Executive Assistant
Principal Engineer	Principal Engineer/Geologist
Senior Engineer	Senior Engineer/Geologist
Water Systems Superintendent	Operations Manager
Emergency & Safety Supervisor	Construction Inspector
Sr. Staff Analyst	Financial and Systems Services Manager
Maintenance Materials Planner/Buyer	Maintenance Coordinator
Human Resources Analyst	Human Resources Analyst II

Staff recommends approval of the draft resolution amending the Zone 7 Conflict of Interest Code.

FUNDING: None (no fiscal impact)

RECOMMENDED ACTION: Adopt attached resolution

ATTACHMENT: Appendix of Disclosure Categories

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY DIRECTOR
SECONDED BY DIRECTOR

WHEREAS, the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District adopted a Conflict of Interest Code on February 16, 1977 by Resolution No. 818, and subsequently amended by Resolution No. 1533 on March 18, 1992; Resolution No. 1698 on October 19, 1994; Resolution No. 96-1822 on August 28, 1996; Resolution No. 98-1991 on November 18, 1998; Resolution No. 00-2212 on October 18, 2000; Resolution No. 02-2423 on October 16, 2002; Resolution No. 04-2671 on September 15, 2004; Resolution No. 07-2934 on October 18, 2006; and Resolution No. 09-3238 on November 19, 2008; and Resolution No. 10-4009 on June 16, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District does hereby amend the Conflict of Interest Code, section entitled, "APPENDIX OF DESIGNATED POSITIONS," as follows:

APPENDIX OF DESIGNATED POSITIONS

POSITIONS	ASSIGNED DISCLOSURE CATEGORIES
Member, Zone 7 Board of Directors	1,2
General Manager	1,3,4,5,6,7,8,9,10
Assistant General Manager, Engineering	1,3,4,5,6,10
Assistant General Manager, Finance	1,3,5,6,7,8,9
Assistant General Manager, Personnel	1,3,4,5,6,10
Engineering Manager	1,3,4,5,6,10
General Counsel	1,3,4,5,6,7,8,9,10
Finance & Systems Services Manager	1,3,5,6,7,8,9
Executive Assistant	1,3,5,6,7,8,9
Principal Engineer/Geologist	1,3,4,5,6,10
Senior Engineer/Geologist	1,3,4,5,6,10
Water Quality Manager	3,4,5,6,10
Operations Manager	3,4,5,6,10
Maintenance Manager	3,4,5,6,7,10
Water Facilities Supervisor	3,4,5,6,10
Facilities, Maintenance & Construction Supervisor	3,4,5,6,10
Construction Inspector	3,4,5,6,10
Consultants	*
Human Resources Analyst II	9,10

POSITIONS

ASSIGNED DISCLOSURE CATEGORIES

Accounting Manager	1,3,5,6,7,8,9
Staff Analyst	1,3,5,6,7,8,9
Buyer II	3,4,5,6,7,10
Transportation & Supply Coordinator	7,10
Associate Control Systems Engineer	5,6,10
Water Conservation Coordinator	3,4,5,6,10

- * Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

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

February 15, 2012

By _____
President, Board of Directors

APPENDIX OF DISCLOSURE CATEGORIES

Category 1:

Persons assigned this category must report all interests in real property.

Category 2:

Persons assigned this category must report all sources of income from investments and business positions in any business entity located within the jurisdiction.

Category 3:

Persons assigned this category must report all sources of income from investments and business positions in business entities which manufacture, or contract, or foreseeably contract or sell supplies, machinery or equipment of the type utilized by the agency.

Category 4:

Persons assigned this category must report all sources of income from investments and business positions in business entities or individuals providing services which contract with or furnish goods or services to the member or otherwise solicit business from the member.

Category 5:

Persons assigned this category must report all sources of income from investments and business positions in business entities who perform constructions or engineering work or services of the type utilized by the agency.

Category 6:

Persons assigned this category must report all sources of income from investments and business positions in business entities manufacturing or selling water-purification chemicals, supplies, equipment, machinery or materials utilized by the agency.

Category 7:

Persons assigned this category must report all sources of income from investments and business positions in business entities which manufacture or sell, lease or service office equipment and supplies; motor vehicles and parts thereof; petroleum products; data processing hardware and software.

Category 8:

Persons assigned this category must report all sources of income from investments and business positions in business entities selling stocks, bonds, mutual funds and other securities.

Category 9:

Persons assigned this category must report all sources of income from investments and business positions in employment agencies or temporary help agencies.

Category 10:

Persons assigned this category must report all sources of income from investments and business positions in business entities which solicit for, contract with, or provide goods or services to the agency of the designated official.



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: February 15, 2012

ITEM NO. **5e**

SUBJECT: CONSIDER AMENDING BOARD POLICY ON CONDUCTING BUSINESS

SUMMARY:

Director Chris Moore asked for a review of Zone 7's policies concerning the General Manager's authority to act during urgent or emergency circumstances. While there were two policies concerning emergency circumstances (i.e., those necessary to protect public health or safety; see attached Resolutions 1296 and 95-1777), no direct references were found concerning urgent circumstances that could have significant business impacts on Zone 7. Therefore, staff recommends amending the Board Policy on Conducting Business to clarify the General Manager's authority in such urgent business circumstances (also attached).

FINANCIAL:

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

RECOMMENDED ACTION:

Adopt attached resolution.

Attachments: Resolutions 1296 and 95-1777
Draft Resolution Amending Policy
Draft Amended Policy (Exhibit "A")

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

ZONE NO. 7

RESOLUTION NO. 1296

Introduced by DIRECTOR MCGRATH

Seconded by DIRECTOR BUDDEMEIER

WHEREAS, Section 22 of the District Act provides that emergency work for restoration of impaired facilities to protect public health and welfare relative to water supply, flood control and other water management activities of the District, may be authorized without the formal contract advertising, bidding and awarding processes; and

WHEREAS, such emergency work must be completed in an expeditious manner to minimize potential serious threat to public health and welfare; and

WHEREAS, it is the intent of this Board to accomplish such emergency work in said expeditious manner for the Zone 7 area;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby authorize the General Manager of Zone 7, to identify and declare emergency situations where essential services to the public are impaired or where further loss or damage to Zone 7 and public facilities is imminent and, under such emergency situations, to undertake, and complete work necessary for repairing Zone facilities to restore essential services or to avoid further loss or damage to Zone 7 and public facilities and to approve payment for the work; and

BE IT FURTHER RESOLVED that the Board be advised by the General Manager of any such emergency in a timely manner.

ADOPTED BY THE FOLLOWING VOTE:

AYES: DIRECTORS BUDDEMEIER, CONCANNON, MCGRATH, SCHENONE, TRACY, WALKER

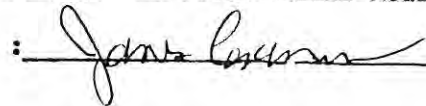
NOES: NONE

ABSENT: DIRECTOR WENTE

ABSTAIN: NONE

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Directors of Zone No. 7 of the Alameda County Flood Control and Water Conservation District on May 4, 1988.

ATTEST: _____

BY : 

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

RESOLUTION NO. 95-1777

INTRODUCED BY DIRECTOR LAYTON

SECONDED BY DIRECTOR MARCHAND

WHEREAS, Zone 7 of Alameda County Flood Control and Water Conservation District's facilities, systems and personnel have critical functions to perform in providing water supply, flood control and other water management activities to the public under all conditions; and

WHEREAS, there are various potential local and regional emergencies and disasters that could affect the ability of Zone 7 to provide services; and

WHEREAS, the Zone 7 Board of Directors is concerned for the health and safety of Zone 7 employees and the citizens residing within Zone 7's service area; and

WHEREAS, the attached Emergency Preparedness Policy provides the framework for the development of necessary emergency procedures and implementation measures; and

WHEREAS pursuant to this Policy, procedures will be developed and maintained, including an emergency plan to guide Zone 7 response to emergencies, and such plan will outline the emergency powers given to the General Manager and the Emergency Operations Director, identify the type of Emergency Management Organization Zone 7 will follow, identify an ongoing training program, and state how each Zone 7 section will support the Emergency Preparedness Program; and

WHEREAS the Emergency Preparedness Policy acknowledges that there may be emergency situations which are beyond the capability of the services, personnel, equipment and facilities of Zone 7, which may require combined forces of other political subdivisions to help respond; and

WHEREAS the California Emergency Services Act (Act) provides immunity from liability for actions taken by political subdivisions of the state, including Zone 7 in responding to a declared emergency before state assistance is provided; and

WHEREAS the Standardized Emergency Management System is required by California Government Code for managing responses to multi-agency and multijurisdictional emergencies in California; and

WHEREAS the State Emergency Plan, which sets forth the protocol to be followed in implementing the Act, requires a local agency seeking mutual aid from the state during an emergency to first declare an emergency before state assistance is provided; and

WHEREAS in a catastrophic emergency, such as a significant earthquake, it may not be possible to contact a sufficient number of Zone 7 Board members for a quorum to declare an emergency, thereby delaying the ability to obtain adequate resources for emergency response;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District hereby adopts the Emergency Preparedness Policy to create and maintain an active emergency preparedness program that includes an emergency plan that will be used as a basis for managing Zone 7's critical functions during an emergency and protect the health and safety of Zone 7 and the citizens residing within Zone 7's boundaries; and

BE IT FURTHER RESOLVED that designated Zone 7 staff will coordinate the emergency plan, functions and response with those responders from other public and private organizations charged with emergency duties, and that the General Manager is hereby authorized and directed to take such actions as deemed necessary to implement this policy; and

BE IT FURTHER RESOLVED that during an unanticipated actual or threatened calamitous event, such as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, dam failure, freezes, water supply contamination, or other similar conditions which impact Zone 7's critical functions, the Board authorizes the General Manager, or his/her successor to declare an emergency; and

BE IT FURTHER RESOLVED that the Board of Directors shall meet to consider ratification of the declaration of emergency by the General Manager as soon as possible after the declaration no later than 10 calendar days following such declaration.

ADOPTED BY THE FOLLOWING VOTE:

AYES: DIRECTORS CONCANNON, FIGUERS, GRECI, KALTHOFF, LAYTON, MARCHAND

NOES: NONE

ABSENT: DIRECTOR SPENCE

ABSTAIN: NONE

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Directors of Zone No. 7 of the Alameda County Flood Control and Water Conservation District on DEC 20 1995

ATTEST: _____

BY : _____

EMERGENCY PREPAREDNESS POLICY

The Board of Directors has adopted Resolution No.95-1777 which sets forth the following emergency preparedness policy for Zone 7.

- Zone 7 is required to maintain and regularly exercise a comprehensive, all-hazards emergency plan to protect the safety of staff and public and to manage Zone 7's critical functions at the time of an emergency.
- The General Manager is authorized to:
 - Establish and implement policies for the frequency of plan updates and exercises and other preparedness measures;
 - Designate staff who are authorized to implement the Emergency Operations Plan;
 - Assign staff to specific emergency response functions;
 - Declare a Zone 7 Emergency when necessary; such declaration to be ratified by the Board within 10 days;
 - Represent the Agency in consulting with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems; and
 - Request and send mutual aid resources when indicated.

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 Board Policy on Conducting Business

WHEREAS, the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District adopted the Board Policy on Conducting Business on December 17, 2008; and

WHEREAS, the Board has expressed an interest in adding a clarification to Section 17 of the Board Policy on Conducting Business as shown in the attached redline.

BE IT RESOLVED by the Board of Directors of the Zone 7 Water Agency that the “ZONE 7 WATER AGENCY BOARD POLICY ON CONDUCTING BUSINESS” is amended as shown in the attached Exhibit “A.”

* * * * *

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

February 15, 2012

By _____
President, Board of Directors

EXHIBIT "A"

ZONE 7 WATER AGENCY BOARD POLICY ON CONDUCTING BUSINESS

PREAMBLE

The most fundamental principle of public service ethics was stated by Henry Clay in 1829: "Government is a trust, and the officers of government are the trustees; and both the trust and the trustees are created for the benefit of the people."

SECTIONS:

1. PURPOSE AND SCOPE
2. RESPONSIBILITIES OF PUBLIC OFFICE
3. FAIR AND EQUAL TREATMENT
4. PROPER USE AND SAFEGUARDING OF AGENCY PROPERTY AND RESOURCES
5. USE OF CONFIDENTIAL INFORMATION
6. CONFLICT OF INTEREST
7. SOLICITING POLITICAL CONTRIBUTIONS
8. CANDIDATE'S STATEMENT
9. INCOMPATIBLE OFFICES
10. BOARD MEMBER COMPENSATION & EXPENSE REIMBURSEMENT
11. VIOLATION OF ETHICS POLICY
12. IMPROPER ACTIVITIES AND THE REPORTING OF SUCH ACTIVITIES; PROTECTION OF "WHISTLE BLOWERS"
13. COMPLIANCE WITH THE BROWN ACT
14. BOARD OF DIRECTORS ROLES AND DUTIES; GENERAL MANAGER ROLE AND DUTIES
15. BOARD MEMBER-GENERAL MANAGER RELATIONSHIP
16. BOARD OFFICERS AND BOARD COMMITTEES
17. BOARD MEETINGS; QUORUM; VOTING
18. BOARD MEETING AGENDA
19. BOARD DECORUM

SECTION 1. PURPOSE AND SCOPE

The policy of the Zone 7 Water Agency is to maintain the highest standards of ethics by its Board Members in carrying out their duties to achieve the Agency's missions. The proper operation of the Agency requires decisions and policies to be made in the proper channels of governmental structure, that public office not be used for personal gain, and that all individuals associated with the Agency remain impartial and responsible toward the public. Accordingly, it is the policy of the

Agency that Board Members and Agency employees will maintain the highest standard of personal honesty and fairness in carrying out their duties and to do so in conformity with these Agency Guidelines for operations and procedure. This policy sets forth the minimum ethical standards to be followed by the Board of Directors of the Zone 7 Water Agency and the manner in which the Agency and the Zone 7 Board of Directors shall operate. The objectives of this policy are (1) to establish uniform guidelines and operating procedures for the Board of Directors; (2) to heighten awareness of ethics and values and critical elements in Board Members' conduct; (3) to provide guidance for dealing with ethical issues; and (4) to improve ethical decision-making and values-based management.

SECTION 2. RESPONSIBILITIES OF PUBLIC OFFICE

Board Members are sworn to uphold the Constitution of the United States and the Constitution of the State of California. Board Members will comply with applicable laws regulating their conduct, including conflict of interest, financial disclosure and open government laws. Board Members will work in cooperation with other public officials unless prohibited from so doing by law or officially-recognized confidentiality of their work.

SECTION 3. FAIR AND EQUAL TREATMENT

Board Members will not, in the performance of their official functions, discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, sex, sexual preference, medical condition or disability. A Board Member will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances.

SECTION 4. PROPER USE AND SAFEGUARDING OF AGENCY PROPERTY AND RESOURCES

Except as specifically authorized, a Board Member will not use or permit the use of Agency owned vehicles, equipment, telephones, materials or property for personal convenience or profit. A Board Member will not ask or require an Agency employee to perform services for the personal convenience or profit of a Board Member or employee. Each Board Member must protect and properly use any Agency asset within his or her control, including information recorded on paper or in electronic form. Board Members will safeguard Agency property, equipment, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.

SECTION 5. USE OF CONFIDENTIAL INFORMATION

A. A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as "confidential information" under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board; (2) is protected from disclosure under the attorney/client or other evidentiary privilege; or (3) is not required to be disclosed under the California Public Records Act.

B. This section does not prohibit any of the following: (1) making a confidential inquiry or complaint to the Agency's General Counsel or grand jury concerning a perceived violation of law, including disclosing facts to the Agency's General Counsel or grand jury that are necessary to establish the alleged illegality of an action taken by the Agency; (2) expressing an opinion

concerning the propriety or legality of actions taken by the Agency in closed session, including disclosure of the nature and extent of the allegedly illegal action; or (3) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (1) or (2), above, however, a Board Member is encouraged to first bring the matter to the attention of either the President of the Board or the Board, in a lawful and appropriate manner, to provide the Board an opportunity to cure an alleged violation.

C. A Director who willfully and knowingly discloses for pecuniary gain confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code section 1098.

SECTION 6. CONFLICT OF INTEREST

A. A Board Member will not have a financial interest in a contract with the Agency, or be a purchaser at a sale by the Agency or a vendor at a purchase made by the Agency, unless the Board Member's participation was authorized under Government Code section 1091. A Board Member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000, and following, relating to financial conflicts of interest.

Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board's decision would have a material financial effect:

- a) on a business entity in which the Director has a direct or indirect investment in an amount as established by the FPPC;
- b) involving real property in which the Director has a direct or indirect investment interest, in an amount as established by the FPPC
- c) involving a source of income of the Director in an amount as established by the FPPC within twelve months before the Board decision;
- d) involving a source of gifts to the Director in an amount as set or adjusted January 1 of each odd-numbered year by the FPPC, within twelve months before the Board decision; or
- e) on a business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

The above circumstances would constitute a material financial effect if distinguishable from the effect on the public generally. For additional information or questions, see www.FPPC.ca.gov or contact the FPPC at 1-866-ASK-FPPC.

An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director, or the Director's spouse, dependent child or agent, owns directly, indirectly or beneficially, a ten percent or greater interest. A Director will not accept gifts that exceed the limitations set forth above in subsection (d) or honoraria. Board Members will report all gifts,

honoraria, campaign contributions, income and financial information as required under the Agency's Conflict of Interest Code and the provisions of the Fair Political Practices Act and the FPPC Regulations.

B. If a member of the Board believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- a) if the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the Agency's General Manager of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
- b) if it is not possible for the Director to discuss the potential conflict with the General Manager before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and
- c) upon a determination that there is a disqualifying conflict of interest, the Director (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exist, which will be so noted in the Board minutes; and (2) will leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters, except that the Director may speak on the issue during the time that the general public speaks on the issue.

C. A Board Member will not recommend the employment of a relative by the Agency. In addition, a Board Member will not recommend the employment of a relative to any person known by the Board Member to be bidding for or negotiating a contract with the Agency.

D. A Board Member who knowingly asks for, accepts or agrees to receive any gift, reward or promise thereof for doing an official act, except as may be authorized by law, may be guilty of a misdemeanor under Penal Code section 70.

SECTION 7. SOLICITING POLITICAL CONTRIBUTIONS

Board Members are prohibited from soliciting political funds or contributions at Agency facilities or from Agency employees. A Board Member will not accept, solicit or direct a political contribution from Agency vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the Agency. A Director will not use the Agency's seal, trademark, stationery or other indicia of the Agency's identity, or facsimile thereof, in any solicitation for political contributions as per state or federal law.

SECTION 8. CANDIDATE'S STATEMENT

A Board Member will not include false or misleading information in a candidate's statement for a general Agency election filed pursuant to section 13307 of the Elections Code.

SECTION 9. INCOMPATIBLE OFFICES

Pursuant to California Government Code Section 1099, it shall be prohibited for any Board Member appointed or elected to the Zone 7 Board of Directors to simultaneously hold two public offices that are incompatible. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:

- (1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.
- (2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.
- (3) Public policy considerations make it improper for one person to hold both offices.

When two public offices are incompatible, the Director shall be deemed to have forfeited his/her Directorship on the Zone 7 Board upon acceding to the second. Offices which may be deemed incompatible with being a Director of the Zone 7 Board include but are not limited to: Council members of the Dublin, Pleasanton or Livermore City Council, the Mayor of any of these three Cities, Supervisors of the Alameda County Board of Supervisors and Directors of the East Bay Regional Park District.

SECTION 9A: POTENTIALLY INCOMPATIBLE POSITIONS

Pursuant to California Government Code Section 53227, active Zone 7 employees may not be sworn into office as a member of the Zone 7 Board of Directors unless he/she resigns as an employee. Failure to resign shall result in his/her employment automatically terminating upon his/her being sworn into office.

Section 9 above generally does not apply to employees of other local agencies whose public offices may be deemed incompatible. However, in the event that the scope and nature of the employment and associated authority is such that any of the factors set forth above are present, then such employment may be deemed incompatible with that of the Office of Zone 7 Director.

SECTION 10. DIRECTORS' COMPENSATION AND EXPENSE REIMBURSEMENT

Members of the Board of Directors shall comply with the provisions of the Zone 7 Board of Directors' Compensation and Expense Reimbursement Policy adopted March 15, 2006 and as amended September 20, 2006. Said policy is attached hereto and incorporated herein as Appendix "A."

SECTION 11. VIOLATION OF ETHICS POLICY

A perceived ethical violation by a Board Member should be referred to the President of the Board or the Board of Directors for investigation, and consideration of any appropriate action warranted. A violation of this policy may be addressed by the use of such remedies as are available by law to the Agency, including but not limited to:

- a.) adoption of a resolution expressing disapproval of the conduct of the Board Member who has violated this policy;

b.) injunctive relief; or

c.) referral of the violation to the Agency General Counsel and/or the Grand Jury.

SECTION 12. IMPROPER ACTIVITIES AND THE REPORTING OF SUCH ACTIVITIES; PROTECTION OF "WHISTLE BLOWERS"

A. The General Manager has primary responsibility for (1) ensuring compliance with the Agency's personnel policies and procedures, and ensuring that Agency employees do not engage in improper activities; (2) investigating allegations of improper activities; and (3) taking appropriate corrective and disciplinary actions. The Board has a duty to ensure that the General Manager is operating the Agency according to law and the policies approved by the Board. Board Members are encouraged to fulfill their obligation to the public and the Agency by disclosing to the General Manager to the extent not expressly prohibited by law, improper activities within their knowledge. Board Members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines that the General Manager is not properly carrying out these responsibilities. Nothing in this section affects the responsibility of the Board to oversee the performance of the General Manager.

B. A Board Member will not directly or indirectly use or attempt to use the authority or influence of his or her position for the purpose of intimidating, threatening, coercing, commanding or influencing any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board Member or Agency employee of any law or regulation, gross waste of Agency funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of an Agency official or employee, use of an Agency office or position or of Agency resources for personal gain, or a conflict of interest of an Agency Board Member or Agency employee.

C. A Board Member will not use or threaten to use any official authority or influence to affect any action as a reprisal against an Agency Board Member or Agency employee who reports or otherwise brings to the attention of the General Manager, General Counsel, Board President, Assistant General Manager, or other legal authority any information regarding the subjects described in this section.

SECTION 13. COMPLIANCE WITH THE BROWN ACT

The members of the Board of Directors will fully comply with the provisions of the State's open meeting law for public agencies (the Brown Act; Government Code Section 54950, *et seq.*). Interpretation of Brown Act provisions shall be within the purview of the Agency's General Counsel.

SECTION 14. BOARD OF DIRECTORS ROLES AND DUTIES; GENERAL MANAGER ROLE AND DUTIES

A. The Board of Directors holds governing authority for the Agency and its roles and responsibilities are:

1. Establish policies, procedures and regulations for District operations;

2. Establish and oversee the Agency's finances and budgets;
3. Provide the resources needed by management and staff to carry out Agency policy;
4. Determine the mission of the Agency
5. Approve and ensure the development and implementation of the Agency's Strategic Plan; and
6. Appoint and evaluate the General Manager.

B. Directors Individually: Apart from his/her normal function as a part of the Board of Directors, each individual Director's roles and responsibilities are as follows:

1. Function only as one member of the Board;
2. Have no individual authority unless authorized by the Board;
3. May not commit, nor represent that they can commit, the District to any policy, act, or expenditure; and
4. Directors are encouraged to support decisions made by the Board

C. The Agency's General Manager:

1. has full charge and control of the construction, maintenance and operation of the water system, flood control systems and other facilities of the Agency;
2. has full charge and control of the day-to-day management, operation and administration of the Agency;
3. has full power and authority to employ and discharge employees and assistants, consistent with Agency policy and other provisions of law;
4. prescribes the duties of employees and assistants, consistent with Agency policy; and
5. fixes and alters the compensation of employees and assistants, subject to approval by the Board.

SECTION 15. BOARD-GENERAL MANAGER RELATIONSHIP

The Board sets the policy for the Agency. The Agency's General Manager serves by appointment of the Board. The Board provides policy direction and general instructions to the General Manager on matters within the authority of the Board by the requisite vote of the Board during duly-convened Board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager and not through other Agency employees. Members of the Board will refrain from making requests directly to Agency employees (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. A director's requests for non-confidential, factual information regarding Agency

operations should be made through the General Manager, an Assistant General Manager or the District Secretary so that the appropriate Agency staff members may be engaged and coordinated to provide the information for the Board Member(s) in the most efficient and effective manner.

SECTION 16. BOARD OFFICERS AND BOARD COMMITTEES

No later than the first regularly scheduled Board meeting of each July, the Board shall elect its President and Vice President to serve for the following twelve month period. Nominations shall be made by Board Member(s) and if the nomination is seconded, it shall be submitted to a vote of the Board. A majority vote of members present shall be required to ratify the election of the nominated Member.

The Board President shall be responsible for determining the Board committees and committee assignments no later than the first regularly scheduled Board meeting in August of each year. If a Board member is not satisfied with the committee or his/her assignment, that member may take his/her request or complaint to the Board for consideration and action at the next regularly scheduled Board meeting.

The Board President shall be responsible for the orderly and timely conduct of Board meetings and shall have the discretion to impose reasonable time limits for statements or discussion by members of the public and members of the Board.

The Vice President of the Board shall preside over any Board meeting at which the Board President is absent and shall assume the responsibilities of the Board President for the conduct of that meeting.

SECTION 17. BOARD MEETINGS; QUORUM; VOTING

A) The Agency's Board meetings shall be conducted following the general guidelines of "Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century," League of California Cities, 2003, attached hereto and incorporated herein as Appendix B.

B) Regular meetings of the Board shall be held on the third Wednesday of each month, beginning at 7:00 pm in the Agency's Board room located at 100 North Canyons Parkway, Livermore, California. The agenda for regular Board meetings shall be posted in a public place at least 72 hours prior to the meeting. Any changes to that schedule must be determined at a regularly-scheduled board meeting at least two months earlier than the scheduled meeting.

C) Special meetings of the Board shall be held for the purpose of discussing Agency matters that either (1) require prompt Board consideration and action which cannot be delayed until the next regularly scheduled Board meeting; (2) concern matter(s) of a specialized topic/nature which would benefit from focused Board consideration and deliberation; (3) matters continued from the last regular Board meeting; or (4) at the discretion of the President of the Board of Directors. Notice and posting of Special Meetings shall be in conformity with the provisions of the Brown Act.

D) The Board hereby ratifies and re-approves Resolutions 1296 and 95-1777 which detail the manner in which the Agency and the General Manager will respond to emergency situations (i.e., taking necessary actions to protect public health or safety). In non-emergency situations where action is required prior to the time when the Board is able to convene a Special Meeting (i.e., those times when it is critical from a business standpoint to take immediate action), the Board hereby

delegates all necessary authority to respond to such urgent circumstances to the General Manager, who shall consult with either the President of the Board or, if unavailable, one of the other Directors, prior to taking the action. The General Manager shall report his/her actions to the full Board of Directors during its next meeting.

E) A quorum of the members of the Board of Directors shall be present in order to convene an official regular or special meeting of the Board for the transaction of business. A quorum is established by the presence of no less than four (4) Directors. In the event a quorum of the Board is not present at a noticed and agendaized regular or special meeting, the meeting shall be adjourned to a future date pursuant to the provisions of Government Code sections 54955 or 54954.2(b)(3)

F) Board members shall at the earliest opportunity, advise the Board Secretary in the event that he/she is unable to attend a scheduled meeting of the Board.

G) A majority vote of the members of the Board present at a regular or special meeting shall be required to constitute an official act of the Board unless a greater number of votes are otherwise required by law. Abstentions are to be considered neutral and do not count as affirmative or negative votes.

H) Committee Meetings shall be held on an “as needed” basis. Board Members desiring to convene meetings of a standing committee or to establish an ad hoc committee shall submit, for consideration, such request to the Board President or General Manager detailing the nature and purpose for such meeting. If the request is approved, the scheduling of such meeting shall be at the earliest practical opportunity. Alternatively, Board Members may during the “Items for Future Agendas” portion of the agenda at a regular meeting of the Board, request that a committee meeting be convened and such request shall be submitted to a vote of the Board members present. The General Manager may convene meetings of committees as necessary to further Agency operations as he/she deems necessary, and may also submit specific matters to the Board President for referral to standing or ad hoc committees.

SECTION 18. BOARD MEETING AGENDAS

Any Board member may request items be placed onto the board agenda of upcoming Board meetings by submitting a request to the President of the Board and General Manager no later than ten (10) business days prior to the scheduled Board meeting at which the item is requested to be considered, a written document explaining the item and offering recommendations. The Board President and/or the General Manager shall determine whether such request shall be granted. Alternatively, Board Members may request that items be calendared for future Board agendas during the “Items for Future Agendas” portion of the agenda at a regular meeting of the Board.

Zone 7 staff shall send regular Board meeting agendas and supporting documents to each member of the Board no later than the Friday immediately preceding the regularly scheduled Board meeting. Board members should thoroughly review the agenda and accompanying documents and materials and be prepared to discuss same at the scheduled Board meeting. Any questions regarding the agenda, items contained therein and/or supporting documents and materials, shall be directed to the General Manager, an Assistant General Manager or the District Secretary at the earliest opportunity.

SECTION 19. BOARD DECORUM

Board members shall at all times conduct themselves with the utmost decorum. Members shall afford due respect to one another, Agency staff and the public. Members shall be courteous and shall not engage in personal attacks or make malicious or offensive statements or comments during the conduct of Agency business. In carrying out their duties, Board members shall bear in mind the Board's role, the Agency's mission and the interests of the constituency the Board serves. Director participation shall be relevant to the subject matter at hand and should be expressed in a thoughtful, clear, succinct and articulate manner.

During the section of the agenda of "Director Reports", directors reporting at the Board meeting shall limit verbal reports to topics related to Zone 7's mission and limited to five minutes per director. If the Director has additional information to share with the Board, such information shall be provided in advance to the General Manager as a written report that can be included in the agenda package.

When communicating with members of the public or other public agency representatives, individual board members shall refrain from making personal commitments or promises for the Agency. In addition, when expressing *personal views and opinions* to third parties concerning matters within the jurisdiction of or affecting the Agency, Directors shall duly qualify them as such to avoid misinterpretation of those views and opinions as those of the Board of Directors. Conversely, when authorized by the Board of Directors to speak for the Agency at other public agencies' meetings, clearly state that what is said has been approved by the Board or that the Board has no position on an issue.

Directors are encouraged to support District policy and avoid personal statements that conflict with Board adopted policy and decisions. Members shall afford due respect for other Member's differing opinions and viewpoints. When expressing a dissenting view to members of the public, other public agencies, other public officials and/or to the media, to avoid stimulating or inflaming controversy, Directors are encouraged to support adopted Board policy.



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: February 15, 2012

ITEM NO. 5f

SUBJECT: TRANSITION AGREEMENT APPROVAL

SUMMARY:

- Beginning in August, 2010 staff has provided monthly status updates to the Board of Directors on the status of Separation and, subsequently in 2011, the Tentative Agreements reached with each of the Labor Unions.
- The Transition Agreement with each of the labor unions is to ensure the continuity and protection of the employees' terms and conditions of employment during the transition period of Zone 7 becoming an independent agency from the County of Alameda.
- A Tentative Transition Agreement was agreed upon with the Alameda County Management Employees Association; Alameda County Building and Construction Trades Council, Local 342; International Federation of Professional and Technical Engineers, Local 21; and Service Employees International Union, Local 1021.
- The Zone 7 Board of Directors was updated in closed session on July 20, 2011 that ACMEA had signed the Transition Agreement. The board reported out of closed session that they accepted the agreement with ACMEA and authorized future agreements with SEIU and Building Trades. Unfortunately, due to a clerical error, Local 21 was not recorded in the minutes as authorized for future agreement.
- The purpose of this agenda item is to correct the clerical error and have all four transition agreements formally approved by the Board.

FUNDING:

There is no additional cost for these agreements.

RECOMMENDED ACTION:

Approve the attached resolution to approve the Transition Agreement with each Labor Union.

ATTACHMENT: Zone 7 Board Resolution

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

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 respective Transition Agreement with each of the following labor unions:

- Alameda County Management Employees Association
- Alameda County Building and Construction Trades Council, Local 342
- International Federation of Professional and Technical Engineers, Local 21
- Northern California Public Sector Region, Local 1021 of the Service Employees International Union

BE IT FURTHER RESOLVED that the General Manager of Zone 7 is hereby authorized and directed to execute each of these Transition Agreements.

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

February 15, 2012

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/Tim Hunt

AGENDA DATE: February 15, 2012

ITEM NO. 5g

SUBJECT: Possible Zone 7 Sponsorship of AB 1540 (Buchanan)

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.
- When discussing the Zone 7 separation legislation with Assemblywoman Joan Buchanan's staff, Zone 7's support and possible sponsorship was requested for AB 1540 (Buchanan) dealing with control of the South American Spongeplant (*Lynnobium laevigatum*) in the San Joaquin-Sacramento Delta, its tributaries and the Suisun March. ACWA's legislative committee staff is recommending a "favor" position on the bill.
- AB 1540 was introduced January 24, 2012, and is eligible to be heard by the Water, Parks and Wildlife Committee on February 24th. The bill amends the Harbors and Navigation Code to designate the Department of Boating and Waterways as the lead agency in controlling the South American Spongeplant. Currently, the department is authorized to control only two invasive species—water hyacinth and *Egeria densa*. Boats treating these invasive species in the Delta currently must ignore and avoid infestations of the South American weed, which grows and spreads very rapidly. If the seed-bearing plant spreads widely it will be very difficult to eradicate, further degrade the Delta ecosystem, obstruct navigation and even clog the water pumping plants.
- By sponsoring the bill, the Zone would take a strong position to support dealing with an invasive species that threatens the Delta ecosystem as well as water project facilities.
- Assemblywoman Buchanan's office already has received letters of support from the Contra Costa Board of Supervisors (the bill is one of the board's four legislative priorities for 2012); Supervisor Mary Piepho (who represents the eastern Contra Costa area and the Delta) and the American Farm Bureau Foundation, among others.

FUNDING: No funding necessary.

RECOMMENDED ACTION: Discuss and provide direction to staff.

Assembly Bill 1540~ Sacramento-San Joaquin Delta; invasive weeds; South American Spongeplant

Assemblymember Joan Buchanan (D – 15)

LEGISLATIVE INTENT

Assembly Bill 1540 would amend the Harbors and Navigation code to designate the Department of Boating and Waterways as the lead agency in cooperating with other agencies in controlling South American Spongeplant in the delta, its tributaries and the marsh.

PROBLEM

The Department of Boating and Waterways currently has the authority to control only two invasive aquatic weed species - water hyacinth and egeria densa. South American Spongeplant is a highly invasive weed that grows and spreads at a rate that could devastate the Sacramento-San Joaquin Delta environment. Spongeplant is a prolific seed-bearing plant that will be difficult to eradicate if it is allowed to grow and spread.

BACKGROUND

In 1982, SB 1344 designated the Department of Boating and Waterways as the lead agency in controlling water hyacinth in the Sacramento-San Joaquin Delta, its tributaries and the Suisun Marsh. In 1997, AB 2193 amended the law to add egeria densa to the control program.

Aquatic weeds are a continuing problem in the Delta and have been growing at an unprecedented rate. Invasive species of Aquatic weeds obstruct navigation, impair other recreational uses of the waterways and have the potential of damaging manmade facilities, include federal and state water pumping operations. Invasive aquatic weeds threaten the health and stability of fisheries and other ecosystems, tourism, water quality, and increase flood risk.

Early treatment of the South American Spongeplant will reduce the need for more extensive and costly later efforts to keep the spongeplant from spreading in the Delta.

BILL SUMMARY

- Designates the Department of Boating and Waterways as the lead agency of the state for the purpose of cooperating with other agencies in controlling water hyacinth, egeria densa and South American

Spongeplant in the delta, its tributaries, and the Suisun Marsh.

SUPPORT

OPPOSITION

- None on File.

STATUS

- Introduced 1/24/2012

FOR MORE INFORMATION

Susanna Schlendorf, (916) 319-2015



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: OFFICE OF THE GENERAL MANAGER
CONTACT: JILL DUERIG/TOM HUGHES

AGENDA DATE: February 15, 2012

ITEM NO. **5h**

SUBJECT: Unemployment Insurance

SUMMARY:

In 2011, staff obtained an account number with the State of California Employment Development Department (EDD) to process unemployment insurance, SDI and payroll taxes.

As part of the ongoing transition of the Agency and its employees from Alameda County we are requesting that the Board authorize the attached resolution to continue participation in the State Unemployment Insurance program and deduct taxes from employee paychecks. The attached Selection of Financing Method form is being completed and approved by the General Manager so that employees can continue in this program as previously provided by the County of Alameda.

FUNDING: Adopting this policy has no fiscal impact on the Agency

RECOMMENDED ACTION: Adopt attached Resolution

ATTACHMENTS: Resolution

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

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 continued deductions for elective coverage of Unemployment Insurance for employees as previously provided by Alameda County; and

BE IT FURTHER RESOLVED that this practice shall be effective commencing July 1, 2012 or the first paycheck issued to employees under the new payroll system; and

BE IT FURTHER RESOLVED that the General Manager of Zone 7 is hereby authorized and directed to implement this resolution; and

BE IT FURTHER RESOLVED that the Zone 7 Water Agency Accounting Section is authorized and directed to draw the necessary payroll warrants from Zone 7 funds in accordance with this resolution.

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

February 15, 2012

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: OFFICE OF THE GENERAL MANAGER
CONTACT: JILL DUERIG/TOM HUGHES

AGENDA DATE: February 15, 2012

ITEM NO. **5i**

SUBJECT: State Disability Insurance

SUMMARY:

As part of the ongoing transition of the Agency and its employees from Alameda County we are requesting that the Board authorize the attached resolution to continue taking State Disability Insurance taxes out of employee paychecks.

The Application for Elective Coverage of Disability Insurance is being completed so that employees can continue in this program as previously provided by the County of Alameda. This application needs to be signed by the Board President.

FUNDING: Adopting this policy has no fiscal impact on the Agency

RECOMMENDED ACTION: Adopt attached Resolution

ATTACHMENTS: Resolution

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

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 continued deductions for elective coverage of State Disability Insurance for employees as previously provided by Alameda County; and

BE IT FURTHER RESOLVED that this practice shall be effective commencing July 1, 2012 or the first paycheck issued to employees under the new payroll system; and

BE IT FURTHER RESOLVED that the General Manager of Zone 7 is hereby authorized and directed to implement this resolution; and

BE IT FURTHER RESOLVED that the Zone 7 Water Agency Accounting Section is authorized and directed to draw the necessary payroll warrants from Zone 7 funds in accordance with this resolution.

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

February 15, 2012

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: ADMINISTRATIVE SERVICES

CONTACT PERSON: TOM HUGHES

AGENDA DATE: February 15, 2012

ITEM NO. 6a

SUBJECT: Staffing Update: Congratulations to Retirees

SUMMARY:

Continuing our practice of recommending the Board of Directors recognize staffing changes, here are two employees who have retired from Agency service.

Retirement of John Yue, Assistant General Manager - Finance

We would like to recognize John Yue, Assistant General Manager of Finance who is retiring from the Agency on March 3, 2012 after over 14 years of service with Zone 7 and Alameda County. John began his career with Alameda County in April 1997 holding a Bachelor's degree in Business Administration and a MBA in Finance, both from Washington State University. While with the County, he worked as Building Manager then as Real Estate Projects Manager for the General Services Agency. In 2001, in his role as a Real Estate Project Manager, John worked with staff on the North Canyons office building project. He later joined Zone 7 in November 2007 as Assistant General Manager of the Finance Division.

Retirement of Peter Cruttenden, Water Resources Technician III

Peter began his County employment with the Alameda County Department of Public Works Flood Control and Water Conservation Division as a Public Works Aide II in August of 1974. He was promoted to Civil Engineering Technician I in June of 1975. He left in 1979 and later joined Zone 7 in March of 1982 as Water Resource Technician I. Peter was assigned to what was then called the Water Systems Engineering Section. In January 1984 and August 1987 he was promoted to Water Resources Technician II and III respectively. Peter has worked in Capital Projects, Real Property, and most recently in the Facilities Engineering Section. Perhaps one of his most visible accomplishments was the Zone 7 signage on the Triad side of the North Canyons Building.

We hope you will join us in wishing the best to John and Peter in their retirement.

RECOMMENDED ACTION:

Adopt the attached resolutions acknowledging service to the Agency of John Yue and Peter Cruttenden.

WHEREAS, John D. Yue has served the citizens of Alameda County since his employment with the County began in April 1997 and the citizens of the Livermore-Amador Valley since his employment with the Zone 7 Water Agency began in November 2007; and

WHEREAS, Mr. Yue served as a good steward of agency funds, constantly looking for ways to control costs, including:

- Collaborated with Zone 7 staff on the acquisition and construction of the North Canyons office
- Implemented a zero-based budget methodology
- Worked towards building an energy-efficient vehicle fleet
- Provided leadership and direction for the construction of a 348-kilowatt photovoltaic system at the Del Valle Water Treatment Plant; and

WHEREAS, Mr. Yue will retire from Zone 7 service effective March 3, 2012;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby acknowledge, commend, and thank Mr. Yue for his fine public service to Zone 7 of the Alameda County Flood Control & Water Conservation District and the people of the Livermore-Amador Valley.

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
February 15, 2012

By _____
President, Board of Directors

WHEREAS, Peter L. Cruttenden has served the citizens of Alameda County since his employment with the County began in August 1974 and the citizens of the Livermore-Amador Valley since his employment with the Zone 7 Water Agency began in March 1982; and

WHEREAS, Mr. Cruttenden has had many important accomplishments while employed with Zone 7, including:

- Highly skilled manual drafting before AutoCAD was available
- File management of Zone 7 facility drawings and property rights
- Primary drafting of plans for Zone 7 Capital Improvement Projects, including Hopyard Well No. 6, Stoneridge Well, Santa Rita Pipeline, Mocho Pipeline, Sycamore Pipeline, Vineyard Pipeline, and Dougherty Reservoir
- Participation as a design reviewer for Zone 7 projects due to experience in understanding construction and facility processes
- AutoCAD drafting of system-wide facility maps as well as conceptual plans and details for various other Zone 7 Projects
- Development of the sign design for the Triad side of the North Canyons Headquarters Building; and

WHEREAS, Mr. Cruttenden displayed a strong sense of team camaraderie and timeliness in completing his job assignments; and

WHEREAS, Mr. Cruttenden retired from Zone 7 service effective February 4, 2012;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby acknowledge, commend, and thank Mr. Cruttenden for his fine public service to Zone 7 of the Alameda County Flood Control & Water Conservation District and the people of the Livermore-Amador Valley.

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
February 15, 2012

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: ADMINISTRATIVE SERVICES
CONTACT PERSON: TOM HUGHES

AGENDA DATE: February 15, 2012

ITEM NO. **6b**

SUBJECT: Employee of the Month Recognition

SUMMARY:

The Employee Recognition Program Nomination Committee met in January and selected the Employee of the Month for December 2011 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.

Jeff Jones, Zone 7's Inspector (for wells and construction projects), has been chosen from among those nominated as the December 2011 Employee of the Month. Jeff has worked for Zone 7 for more than 30 years. During his tenure Jeff has been a Water Treatment Plant Operator, a Maintenance Supervisor, and the Safety Coordinator. According to the recommendation the committee received, Jeff has broadened his workload beyond inspections and has become a valuable resource to the Facilities Engineering Section for design reviews. His role has developed into an internal one-stop shop providing a multitude of services in addition to plan review and construction inspection, such as contractor negotiations, regulatory liaison, encroachment permit compliance, storm water pollution prevention oversight and Labor Compliance Program inspections.

Jeff has taken the time to help and mentor others on the proper construction inspections and is always ready to assist wherever necessary to help ensure Zone 7 gets a good quality product at the end of every project. A good example of Jeff's commitment was when he donned a Tyvex suit, respirator and breathing apparatus, and gathered his clipboard, camera and flashlight in freezing temperatures the day before Christmas. He took a skateboard 800 feet inside a section of 36" Cross Valley pipeline inspecting pipe joint welds and was prepared to come back in at midnight to complete the job if necessary.

In short, Jeff is being recognized as a valuable employee and a great asset to Zone 7.

RECOMMENDED ACTION:

It is recommended that the Zone 7 Board of Directors recognize and congratulate Jeff Jones as December 2011 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: INTEGRATED PLANNING
CONTACT: MARY LIM/CAROL MAHONEY

AGENDA DATE: February 15, 2012

ITEM NO. 7

**SUBJECT: COPE LAKE IMPROVEMENTS & MAINTENANCE PROJECT –
CEQA COMPLIANCE**

SUMMARY:

- Cope Lake, a former silt pond, was given to Zone 7 in an “as is” condition since it was not originally part of the established Chain of Lakes network. Improvements (i.e. slope repairs and drainage) need to be made to Cope Lake to make it safe and functional.
- Vulcan Materials currently pumps groundwater out of actively mined pits and intermittently discharges it into the Arroyo Mocho. To reduce the amount of water leaving the groundwater basin, a pipeline will be installed from Vulcan’s current discharge point, in the Arroyo Mocho, and into Lake H, I or Cope Lake.
- The proposed activities include 1) Cope Lake slope repairs; and (2) installing a discharge pipeline from Vulcan’s existing discharge point, over the Arroyo Mocho, and connecting into Lake H, I and/or Cope.
- Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Draft Mitigated Negative Declaration (IS/MND) was prepared and distributed on December 19, 2011 for 30-day public comment period.
- The analysis identified potentially significant air quality and biology impacts. The potential impacts would occur during construction and mitigation measures would reduce all of these potential impacts to levels that are considered less than significant.
- No formal public comments were received. The proposed final IS/MND presented to the Board for adoption includes two minor changes from the public review draft, resulting from an updated project schedule and a minor reference correction.

FUNDING:

The estimated total project cost is \$2.1 million, which includes both the slope repair and the pipeline. The slope repair portion will be split equally between Flood Control and Water Supply funds. The discharge pipeline installation will be funded by water supply funds, split 70% Fund 73 - Expansion and 30% Fund 72 – Renewal Replacement and System-Wide Improvements. Current authority is only being sought to submit the Notice of Determination. Staff will be back to the board seeking additional approvals as this project moves forward.

RECOMMENDED ACTION:

Adopt the attached resolution which will adopt the Final Initial Study / Mitigated Negative Declaration, adopt the Mitigation Monitoring and Reporting Program, and conceptually approve the Cope Lake Improvements & Maintenance Project.

ATTACHMENTS:

Staff memo, Final IS/MND, and Resolution

Interoffice Memo

Date: January 24, 2012
To: Jill Duerig, General Manager
From: Mary Lim, Associate Water Resources Planner
Subject: Cope Lake Improvements & Maintenance Project – CEQA compliance

SUMMARY:

Cope Lake is a former silt pond that was used by the quarry operator to let fine sediment settle out of the processing water. As a result, the lake bottom and sides are lined with silt and the lake water is not hydraulically connected to the groundwater. Cope Lake was given to Zone 7 in an “as is” condition because it was not originally part of the established Chain of Lakes. There are some improvements that need to be made to Cope Lake to make it functional for future water management operations. These include:

- Drainage - grading, hydroseeding, concrete lined v-ditches, trenching, installation of drain pipe and drain inlets;
- Upper embankment slope layback – cutting back the slope to 2:1, removing cut material and placing in low lying areas or in lower slope as part of slope repair, hydroseeding; and
- Lower slope repair and stabilization – grading, cutting back slope, placing fill, and erosion control measures.

As part of the groundwater management program, Zone 7 uses surface water to artificially recharge the groundwater basin to store this water for future pumping. Vulcan Materials, Inc. (Vulcan) pumps groundwater from actively mined pits. Vulcan intermittently discharges this water to the Arroyo Mocho on an as needed basis under a National Pollutant Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Board, San Francisco Bay Region. A small amount of the discharge water is recharged back into the groundwater basin through the stream bottom but most of it flows out of the groundwater basin and out to the Bay. To reduce the amount of water leaving the groundwater basin, a pipeline will be installed from Vulcan’s current discharge point, in the Arroyo Mocho, and into Lake H, I or Cope Lake. If this water is discharged into Cope Lake, the water would eventually be transferred to Lake I so that it can percolate through the gravel slopes of Lake I and recharge the groundwater basin.

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and draft Mitigated Negative Declaration (IS/MND) was prepared. Several potentially significant impacts were identified, all of which can be mitigated to a level that is considered less than significant.

CEQA requires a 30 day public review period for IS/MND documents, which was completed between December 19, 2011 and January 20, 2012. The IS/MND was mailed to neighbors and interested parties on December 19, 2011, and was made available at a local library in Livermore. Zone 7 placed a Notice of Availability in the Valley Times newspaper, and posted the document on our website.

The February 15, 2012 Board Meeting serves as a public forum to hear any additional public comments. The Board must take into consideration all public comments before making a

decision to adopt the IS/MND and conceptually approve the project (although final approval will come later and when final design is completed and construction bids are received).

BACKGROUND:

Proposed Project. The proposed activities include (1) Cope Lake slope repairs (Figure 1); and (2) installing a discharge pipeline from Vulcan's existing discharge point, over the Arroyo Mocho, and connecting into Lake H, I and/or Cope (Figure 2). Final design and project bidding can commence only after adoption of this CEQA document and conceptual project approval by Zone 7's Board of Directors. Construction for the Cope Lake slope improvements is anticipated to commence in September 2012 and could occur in phases depending upon extent of repairs needed around the lake. Slope repairs will take approximately 3 to 6 months. The chosen alignment and the timing of the pipeline installation will depend upon the timing of the Cope Lake slope repairs, the final design and the availability of Lake H.

Project Location. The project is located in Alameda County between the cities of Livermore and Pleasanton off the El Charro Road exit, on the south side of Interstate 580. The entire site is located within the Alameda Creek Watershed. The project area is in Unincorporated Alameda County and is bound to the north, south, east and west, respectively by the Arroyo Mocho, Pleasanton City Limit, Arroyo Mocho, and the quarry haul road (extension of El Charro Road). The only major streams in the area are the Arroyo Mocho and its tributary, the Arroyo Las Positas.

CEQA Approval. Zone 7 acts as the lead agency for its projects subject to the California Environmental Quality Act (CEQA). Zone 7 prepared this IS/MND to provide information about the potential environmental effects of the proposed Project.

Pursuant to CEQA, the purpose of an Initial Study is to:

- determine whether the project may have a significant effect on the environment. (i.e. whether an Environmental Impact Report [EIR] or Negative Declaration should be prepared);
- identify measures that mitigate project impacts to a less than significant level (Mitigated Negative Declaration);
- define the scope of the EIR, if one is required;
- justify lead agency's decision to adopt a Negative Declaration, if one is prepared; and
- determine whether to rely on a previously prepared EIR.

A public agency shall prepare a proposed (Mitigated) Negative Declaration for a project subject to CEQA when:

- the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- the Initial Study identifies potentially significant effects, but:
 - revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for

- public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Further, CEQA requires that, as the Lead Agency, Zone 7 establish a program to monitor and report on measures adopted as part of the environmental review process to reduce, eliminate or avoid potentially significant effects on the environment. The Mitigation Monitoring and Reporting Program (MMRP) for the Project is designed to ensure that the mitigation measures identified in the IS/MND for the project are implemented and monitored appropriately.

DISCUSSION:

Environmental Impacts. The results of the Initial Study indicate that there are no unavoidable significant impacts. The Initial Study found ***potentially significant impacts*** during construction that are temporary and can be mitigated to a level that is less than significant, as follows:

- Potentially significant impacts to air quality mitigated by dust abatement measures as well as measures to reduce exhaust emissions.
- Potentially significant impacts to biological resources mitigated by pre-construction surveys for California red-legged frog, western pond turtles, birds and bats, conducting an environmental education program for the construction contractors, installing exclusion fencing around the project area, complying with applicable construction related permits, and implementing avoidance and minimization measures to reduce impacts on potentially sensitive habitat.

Public Comments. No public comment letters were received.

Proposed Final IS/MND. Following the public comment period, the lead agency must consider all comments received, prepare written responses to comments, and prepare a proposed Final IS/MND.

Since no public comment letters were received no changes to the draft IS/MND were required.

However, the project schedule has been revised and construction is anticipated to start in September 2012. Therefore the reference in the IS/MND to the anticipated construction start date, in Section 2.3.1, has been revised. In addition, a reference to another mitigation measure in Mitigation Measures BIO-11 was corrected from BIO-10 to BIO-8.

Next steps. Following adoption by the Board, a Notice of Determination (NOD) will be prepared within 5 days. There is a required 30-day public protest period following the filing of the NOD, during which time a person or agency may challenge the approval of the project. It is advisable, but not required, to wait these 30 days before initiating final design, bidding and construction. The initial approval of the project will be followed by a request for final approval of plans, specifications, and a construction contract at a subsequent Board meeting.

FUNDING:

Current authority is only being sought to submit the Notice of Determination, which only involves a minimal filing fee. However, staff will be back to the board seeking additional approvals as this project moves forward. The maximum estimated total project cost for the Vulcan discharge pipeline and Cope Lake slope repairs is \$2.1 million.

Vulcan Discharge Pipeline:

Depending on the route of the discharge pipeline, the project costs are in the range of \$300,000 to \$500,000. This project is funded as follows:

- [100% water]
 - o 70% from Fund 73 – Expansion
 - o 30% from Fund 72 - Renewal Replacement and System Wide Improvements

Fund 73 portion of the funding (\$350,000) is budgeted in FY 11/12 budget and Fund 72 portion of the funding (\$150,000) will be included in FY12/13 budget.

Cope Lake Slope Repairs:

The estimated project costs for repair of the failed areas along the southeast and northeast corners of Cope Lake range between \$1.3 million and \$1.6 million. This project work was previously scheduled in the 10-year CIP for completion in FY 13/14, subject to Zone 7 Board approval, funding will be moved forward to FY 12/13 due to the urgent need to repair these slopes. Based on the future intended purpose of Cope Lake, funding for the slope repair will be allocated as follows:

- [50% flood control]
 - o 22% from Fund 50 - Flood Control/General Fund
 - o 28% from Fund 76 – Flood Protection and Storm Water Drainage Development Impact Fee Fund
- [50% water]
 - o 15% from Fund 72 – Renewal Replacement and System Wide Improvements
 - o 35% from Fund 73 – Expansion

RECOMMENDED ACTION:

Adopt the attached resolution which will adopt and certify the Final Initial Study / Mitigated Negative Declaration, adopt the Mitigation Monitoring and Reporting Program, and initially approve the Cope Lake Improvements & Maintenance Project so that staff may proceed with final design and bidding to bring back to the Board for final approval prior to award of contract(s) and initiation of construction.



FIGURE 1. COPE LAKE REPAIRS



FIGURE 2. VULCAN DISCHARGE PIPELINE ALTERNATIVES

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

RESOLUTION APPROVING AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR
THE COPE LAKE IMPROVEMENTS & MAINTENANCE PROJECT; ADOPTING A MITIGATION
MONITORING AND REPORTING PROGRAM; AND APPROVING THE PROJECT

WHEREAS, as CEQA Lead Agency, Zone 7 staff determined that the Project is considered a “project” pursuant to the requirements of CEQA and prepared an Initial Study (IS) to determine possible environmental impacts; and

WHEREAS, on the basis of the IS, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, Zone 7 staff determined that a Mitigated Negative Declaration (MND) should be prepared as well as a Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, the IS/MND has been prepared in accordance with the California Environmental Quality Act, and it has been determined that said project would not have any significant adverse impacts on the environment after implementation of mitigation measures; and

WHEREAS, Zone 7 solicited public comments, and has responded to those comments in the Final IS/MND. The responses to comments, in combination with the IS/MND, constitute the Final IS/MND; and

WHEREAS, staff will bring the plans, specifications, and construction contract for final Board approval at a later time.

NOW, THEREFORE, THE ZONE 7 BOARD OF DIRECTORS DO HEREBY RESOLVE AND CERTIFY AS FOLLOWS:

1. **Compliance with the California Environmental Quality Act.** As the decision-making body for the Project, Zone 7 has reviewed and considered the information contained in the IS/MND and administrative record for the Project including all oral and written comments received during the comment period. The Board of Directors finds that the IS/MND contains a complete and accurate reporting of the environmental impacts associated with the Project. The Board of Directors further finds that the IS/MND and the administrative record have been completed in compliance with CEQA and the State CEQA Guidelines.
2. **Findings on Environmental Impacts.** Based on the IS/MND and the administrative record including all written and oral evidence presented to the Board of Directors, the Board of Directors finds that all environmental impacts of the Project are either insignificant or can be

mitigated to a level of insignificance pursuant to the mitigation measures outlined in the IS/MND and the Mitigation and Monitoring and Reporting Program. The Board of Directors further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in significant environmental impacts. The Board of Directors finds that the IS/MND contains a complete, objective and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of Zone 7.

3. **Adoption of Mitigated Negative Declaration.** The Board of Directors hereby approves and adopts the MND.
4. **Adoption of Mitigation Monitoring and Reporting Program.** The Board of Directors hereby approves and adopts the Mitigation Monitoring and Reporting Program prepared for the Project.
5. **Initial Approval of Project.** The Board of Directors hereby approves the Project as described in the IS/MND and directs staff to finalize designs pursuant to the IS/MND and MMRP.
6. **Notice of Determination.** The Board of Directors directs staff to file a Notice of Determination with the Alameda County Clerk within five (5) working days of this approval of the Project.
7. **Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at Zone 7 of the Alameda County Flood Control and Water Conservation District, 100 North Canyons Parkway, Livermore, California 94551. The custodian for these records is the General Manager of Zone 7.
8. **Execution of the Resolution.** The President of the Board of Directors shall sign and certify this resolution.

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 February 15, 2012

By: _____
President, Board of Directors

I am requesting approval to attend the ACWA annual DC conference. ACWA's 2012 Washington, D.C. Conference will be Feb. 28 to March 1, 2012.

Thursday, February 2nd – Participated in ACWA Region 5 Board meeting at Santa Clara Water District Headquarters. (A very impressive campus)



2012-2013 REGION 5 WORK PLAN

ACWA Region 5 will work to continually support the goals of the ACWA Board through implementation of the ACWA Strategic and Business Plan in areas of importance to Region 5.

ACWA Region 5 will also:

Work with ACWA to continually promote educating the public on the need to pass the 2012 water bond by:

- Each Region 5 Board member making at least two speeches on water education at public forums in the next nine months (Boards of Supervisors, schools, Rotary Clubs)
- Water crisis booth at fairs – encourage local water districts to participate
- Education to include importance of water to a vital economy

Work with ACWA to promote and support the ACWA Strategic and Business Plan and Policy Principles as developed

Region 5 shall assist in recruiting new members throughout the region including small districts by:

- Making individual contact with non-members in Region 5 to invite them to join ACWA.
- Asking ACWA staff to create a cost analysis of benefits vs. agency dues
- Identifying and (Board members personally) inviting non-members to Region 5 meetings/events

Plan may be adjusted to include additional items as the term progresses.

ACWA REGION 5 BOARD MEETING Thursday, February 2, 2012 MEETING RECAP

Region 5 Chair Dave Hodgin called the meeting to order and meeting attendees gave self-introductions.

Board members in attendance:

Katy Foulkes

Bob Ptacek (excused)

Dave Hodgin

Patrick Kwok

Anson Moran

Dick Quigley

John Weed

Marcia Wulff and Katie Dahl gave a PowerPoint Orientation presentation to the Board.

The Region 5 Rules and Regulations were reviewed and no changes were made.

Appointments carried by the Board:

Alternate Chair: John Weed

Alternate Vice Chair: Katy Foulkes

Outreach Captain: Patrick Kwok

Membership Ambassador: Katy Foulkes

Committee Reporters:

Communications – Bette Boatmun

Energy – Dick Quigley

Federal Affairs – Scott Wilson

Finance – Todd Rydstrom

Groundwater – Bob Ptacek

Insurance & Personnel – Rick Gilmore

Legal Affairs – Pat Miyaki

Local Government – Gary Skrel

Membership – Dave Hodgin

State Legislative – Bert Michalczyk

Water Management – John Weed

Water Quality – John Burgh

The Board discussed the fact some committees do not have full participation by Region 5 members. Dave Hodgins mentioned that he had approved and forwarded the paperwork for Rick Gilmore to be appointed to the Federal Affairs Committee. Dave will check with Randy Record on the Gilmore appointment. Katy Foulkes and Dick Quigley volunteered to join the ACWA Membership Committee and each will forward a consideration form to Dave Hodgins.

The 2010-2011 Region 5 Work Plan was reviewed and revised for the 2012-2013 term (noted on first page).

Potential 2012 events:

The Board agreed to hold an Issue Forum at the spring conference in Monterey on Wednesday, May 9 at 10 a.m. Initial programming ideas were "Truths & Myths" and "Water Supply & Demand in the Bay Area". Marcia will contact the board to set up a planning conference call.

The first Region 5 Event for 2012 was discussed and it was agreed that Alameda County Water District would host an event at the Alameda Creek Watershed Center in Sunol and the Temple Grounds Restoration. Several dates in the late spring/early summer were mentioned - (April 22-23, May 20-21, June 3-4). Andy Moran and John Weed will be lead for this event. Marcia will contact board members to establish a definite event date and set up the first planning call.

A joint Region 5 – Region 8 event was agreed to on September 9-10 in Santa Barbara. The Region 5 event workgroup will be Dick, John, Katy & Patrick. A suggested event topic was "Revisit Prop 218". Region 8 Regional Affairs Representative will contact the Region 8 Board and set up a workgroup. ACWA staff will set up the first planning call.

Patrick Kwok suggested a 2013 tour of new \$45 million Santa Clara Valley Water District facility which will connect a pipeline to Apple Computer in Cupertino. ACWA staff will check calendars for a date in the Spring of 2013.

The Board agreed to schedule Region 5 Board meetings as needed.

ACWA bylaws changes were discussed and the Board was asked to send any requested changes to ACWA as soon as possible.

The General Obligation Bond was discussed and it was mentioned that there is no definition for use of local resources. Issues of interest to Region 5:

- Keep our own water
- Watersheds are not all created equal
- Water rights are not all created equal
- Water should be looked at as a commodity
- What does ag pay for water vs. what others pay for water

The Board discussed the best way to distribute ACWA information throughout the regions more efficiently. The Board agreed that very important information should be sent to the Region Board for distribution.

There were no other discussion items and the meeting was adjourned.

Let me know if you have any questions. Thanks! Dick Quigley



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: February 15, 2012

ITEM NO. 11a

SUBJECT: GENERAL MANAGER'S REPORT

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

Finance & Administration

- The Financial Software agreement with New World Systems was executed in January. The one-time costs are \$197,400, \$86,000 less than the original proposal. The total for five years of annual maintenance fees is \$78,400, which is \$74,200 less than the original proposal. The total savings over the bid amount, as negotiated by Purchasing Staff, is \$160,200.
- During January, an evaluation of Zone 7's 2011 energy cost savings was completed. Through participation in PG&E's Peak Day Pricing (PDP) program, Zone 7 saved about \$60,000; and, as a result of buying solar energy at Del Valle, an additional savings of about \$35,000 was realized.

Operations and Maintenance:

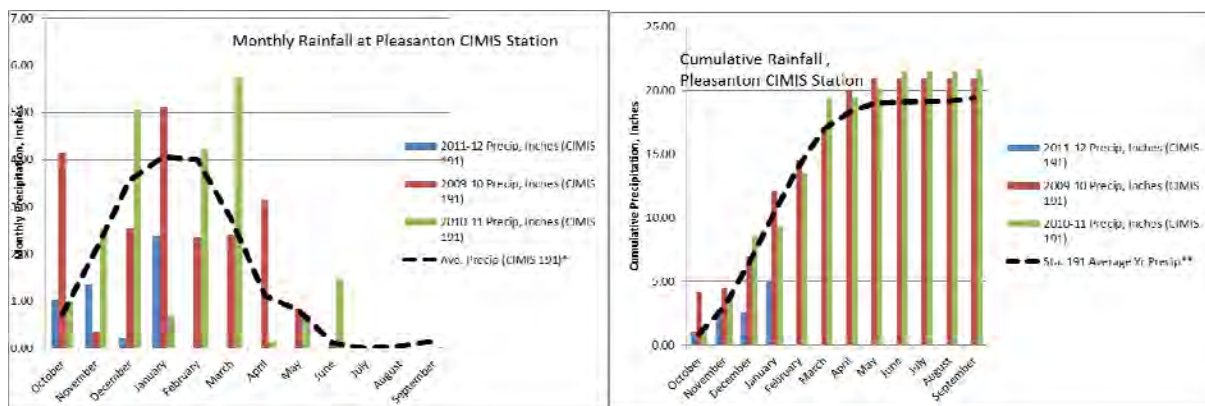
- Although the Department of Water Resources (DWR) had planned to shut down the South Bay Aqueduct serving Del Valle on Friday, January 6th, instead, due to operational difficulties, an emergency shutdown was initiated on January 3rd. This resulted in putting wells back on line several days earlier than planned. A solenoid valve that had failed over the holiday weekend had not yet been repaired and caused a string of events and, along with two other mechanical failures, led to overdosing with hypochlorite and high chlorine residuals that were reported by several customers in the DSRSD and Pleasanton distribution systems. The offending well was shut down until repairs could be made and a full report was made to the Department of Health Services (DPH). Additional safeguards will be put in place so there is no repeat occurrence.
- Overall, Zone 7 supplied 6.3% surface water and 93.7% groundwater (including demineralized groundwater) in January. Patterson Pass Water Treatment Plant (PPWTP) has been shut down for maintenance since October 2011 and Del Valle Water Treatment Plant (DVWTP) was shut down after January 3rd. System-wide total dissolved solids (TDS) and total hardness averaged 441 and 318 mg/L, respectively. These figures directly reflect the groundwater quality.
- Zone 7 received five taste & odor, one water appearance, and two hardness complaints in January 2012. The complaint summary at the end of the report includes responses provided to customers and mitigation actions taken.

Environmental & External Affairs:

- The County Community Development Agency issued Legacy Partners a “cease and desist” order to stop them from backfilling Busch Pit (located between Lake I and Busch Road) with contaminated material.
- In preparation for the upcoming summer flood facility repair program, staff provided support to Zone 7’s environmental consultant in conducting a California Red-Legged Frog (CRLF) survey consistent with US Fish and Wildlife Service protocols. CRLF surveys were performed along the two new slides in Line F-4 (see below), the 19 deferred bank slides from last season and the four concrete culverts where minor de-silting is planned.

Engineering and Flood Control:

- Two mid-month storms resulted in two damaged storm drain pipes in Pleasanton making a total of eleven damaged pipes found thus far this rainy season. Staff were able to perform an emergency repair between storms on a severely corroded Corrugated Metal Pipe (CMP) along Chabot Canal using cement grout. In addition, two bank slides occurred along Line F-4 in Dublin.
- DWR began filling Dyer Reservoir on January 16th. DWR is projecting that they will have full pumping capability and control via SCADA (Supervisory Control and Data Acquisition) of the South Bay Aqueduct (SBA) and Dyer Reservoir in early February. DWR plans to begin filling the SBA downstream of Lake Del Valle with water on February 1st which will allow the Del Valle Water Treatment Plant to come back on line shortly thereafter.
- January was relatively dry, both locally and in the Sierras. DWR’s snow surveyors confirmed that water content in California’s mountain snowpack is far below normal for this time of year (statewide water content of 37% of normal for the date). Locally, a relatively dry January kept cumulative local rainfall less than half of average for this time of year (down to 48% of average year-to-date based on recordings at CIMIS Station 191 in Pleasanton).



Monthly List of GM Contracts

January 2012

K/P Corporation	\$15,500	Printing Services for newsletters, reports, fliers and postcards
Dakota Press	\$16,500	Printing Services for newsletters, reports, fliers and postcards
BC Marketing	\$15,000	Mailhouse Services
GardenSoft	\$18,000	WaterWise Gardening Website for 3 years
Liebert Cassidy Whitmore	\$2,074	Nor Cal Employee Relations Consortium
The Gualco Group	\$50,000	Zone 7 District Act – Lobbying Support
Total January 2012	\$117,074	



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/Tim Hunt

AGENDA DATE: February 15, 2012

ITEM NO. 11b

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.
- As the second year in the legislative cycle, bills not passed last year had to advance out of their respective houses in January to be reconsidered. This is reflected in the summary that is attached.
- SB 200 (Wolk) passed the Senate unanimously and now goes to the Assembly. The bill extends the 75% state match for levee repairs for another year. (The program is currently scheduled to sunset in 2013.)
- AB 685 (Eng) was amended in committee and then held in the Senate Finance Committee so the bill is dead for the year. The bill, which passed the Assembly, would have declared that it is state policy for every human being to have the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes. Also dead for the year is Senator Simitian's public trust charge for water (the water fee).
- Senate Democrat leader Darrell Steinberg publicly said that the governor's \$7 billion tax increase is the top priority on the November ballot. He added that the \$11.2 billion water bond is too large and \$7 billion would be more reasonable to taxpayers. Changing the bill would take a two-thirds majority, while putting it off to 2014 would take a simple majority. The bill to cut the bond by 25% across the boards failed in committee.
- The California Fish & Game Commission unanimously rejected changing the take limits and size regulations on the striped bass. The commission ignored the recommendations of both state and federal wildlife agencies. The commission considered the changes as a result of legal action by a coalition of water agencies that argued the striped bass are a voracious predator of the endangered Chinook salmon, a position that the fish agencies supported.

RECOMMENDED ACTION: Information only.

Attachments: Executive Summary



EXECUTIVE SUMMARY State Legislation



Prepared for the Zone 7 Water Agency, Eastern Alameda County, Board of Directors
by The Gualco Group, Inc.

January 6, 2012

Bill	TOPIC	SYNOPSIS	STAFF'S RECOMMENDED POSITION	STATUS OF THE BILL/COMMENTS
Delta Stewardship Council				
AB 576 (Dickinson)	Fees	AB 576 would require the Delta Stewardship Council to develop a long-term plan to pay for the costs of implementing the Delta Plan.	Watch	Holdover from 2011; dead for this Legislative session.
Peripheral Canal				
AB 550 (Huber)	Peripheral Canal	This bill would prohibit the construction of a peripheral canal, as defined, unless expressly authorized by the Legislature.	OPPOSE.	Holdover from 2011; dead for this Legislative session.
AB 627 (B. Berryhill)	"Delta Corridors Plan"	AB 627 directs the Department of Water Resources to expedite their evaluation of the feasibility for a through-Delta conveyance plan known as the "Delta Corridors Plan".	OPPOSE.	Holdover from 2011; dead for this Legislative session.
SB 200 (Wolk)	Delta levee maintenance	This bill would extend existing reimbursements of up to 75% for designated levee repairs costs until July 1, 2014 (existing law sunsets July 1, 2013), and on and after that date, to reimburse up to 50% of those costs.	Watch	Passed Senate unanimously. Held at Assembly desk. .
Public Employment				
AB 1184 (Gatto)	Public employees' retirement benefits	This bill would state that a CalPERS agency not experience a significant increase in actuarial liability due to increased compensation paid by another contracting agency to a non-represented employee. (NOTE – unrelated to Zone 7's retirement plan.)	Watch	2 Year Bill: will be eligible to be taken up during the 2012 legislative year
AB 1320 (Allen)	Public employees' retirement: employer contribution rates	This bill would establish for each CalPERS employer a Rate Stabilization Account in the Employer Rate Stabilization Fund. (NOTE – unrelated to Zone 7's retirement plan.)	Watch	2 Year Bill: will be eligible to be taken up during the 2012 legislative year

Water Conservation, Supply & Delivery

AB 779 (Fletcher)	Municipal water districts: oversight	This bill would authorize a Municipal Water District to establish an independent oversight committee to assist in tracking and reviewing revenues of the district.	Watch	Dead for 2011-12 Legislative session.
SB 571 (Wolk)	Master Plan for Financing/Developing Water Resources	SB 571 would establish the California Water Commission as an independent agency, revise the requirements of the California Water Plan, and create a new division in the Water Code titled "Water Resources Investment Planning"	Watch	Dead for 2011-12 Legislative session.
SB 710 (La Malfa)	Project: County Services State Water Project	This bill would authorize a county to prepare and adopt a county services impact report containing, among other things, a description of the costs of county services related to the operation of specified dams and reservoirs as State Water Project facilities within the county.	Watch	Dead for 2011-12 Legislative session.

California Regional Water Quality Control Boards

SB 900 (Steinberg)	Regional Water Quality Control Boards	SB 900 would provide that a person would not be disqualified from being a member of a regional water quality control board because that person receives, or has received during the previous two years, a significant portion of his/her income directly or indirectly from a person subject to waste discharge requirements, or an applicant for waste discharge requirements.	Watch	Inactive
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Special Districts

AB 59 (Swanson)	Family and medical leave	This bill would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, (2) expanding the definition of "parent" to include an employee's parent-in-law, and (3) permitting an employee to also take leave to care for a seriously ill grandparent, sibling, grandchild, or domestic partner, as defined.	Watch	Dead for 2011-12 Legislative session.
ACA 4 (Blumenfield)	Local government financing: voter approval	This measure would lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness.	Watch	Dead for 2011-12 Legislative session.

SB 31 (Correa)	Post-government employment: restrictions	This bill would apply the prohibitions of the Political Reform Act of 1974, in addition, to local appointed officials.	Watch	Passed Senate. Held at Assembly desk.
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CEQA - Infrastructure Projects

<u>SB 52 (Steinberg)</u>	Environmental quality: jobs and economic improvement	This bill would require that a project result in a minimum investment of \$100,000,000 spent on planning, design, and construction of the project. The bill would require a lead agency to place the highest priority on feasible measures that will reduce greenhouse gas emissions on the project site and in the neighboring communities of the project site.	Watch	Passed Senate. Held at Assembly desk.
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Financing

<u>AB 157 (Jeffries)</u>	Water Bond	This bill would reduce by 25% the total amount of bonds authorized to be issued pursuant to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, and would make conforming reductions to amounts specified to be allocated from these bond funds for certain purposes.	Watch	Dead for 2011-12 Legislative session.
<u>SB 34 (Simitian)</u>	California Water Resources Investment Act of 2011	SB 34 would establish a sustainable revenue source to fund the public benefits of water related projects and programs by levying a charge on all retail water suppliers.	Watch	Dead for 2011-12 Legislative session.
<u>SB 475 (Wright et al.)</u>	Infrastructure Financing	SB 475 would establish statutory authorization for local governmental agencies to utilize private sector financing alone or in concert with public financing, to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate, or any combination thereof, fee-producing infrastructure facilities.	Watch	Passed Senate. In Assembly Committee on Local Government.
<u>SB 907 (Evans et al.)</u>	Infrastructure Financing	This bill would create an 11-member Master Plan for Infrastructure Financing and Development Commission to develop a long-term plan and strategy for the state's infrastructure needs and a prioritized plan to meet those needs.	Watch	Dead for 2011-12 Legislative session.

Natural Resources/Environment

<u>AB 591 (Wieckowski)</u>	Oil and gas production: hydraulic fracturing	This bill would define "hydraulic fracturing" and require a person carrying out hydraulic fracturing on behalf of an owner or operator at a well to provide to the owner or operator a list of the chemical constituents used.	Watch	Dead for 2011-12 Legislative session.
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****ACWA TRACKED LEGISLATION HIGHLIGHTED IN BLUE****

****NEW LEGISLATION HIGHLIGHTED IN ORANGE****



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: Tom Hughes

AGENDA DATE: February 15, 2012

ITEM NO. 11c

SUBJECT: STATUS REPORT ON SEPARATION EFFORTS

SUMMARY:

Legislative:

- A draft “Zone 7 Water Agency Act” has been prepared.
- Senator Mark DeSaulnier has agreed to author this Act, which will be introduced to the Senate no later than February 24th.
- Staff have begun outreach efforts to a focused group of stakeholders, discussing the draft language.

Employee Services:

- Staff continues to meet with the County Administrator and various County departments. Staff is updating the timeline for transition for the County Administrator. Further discussions are anticipated.
- Staff has met with two of the labor unions to discuss the status of the transition process.

Business Administration:

- The hardware/software installation for the new financial software is complete. There is another on-site visit from the software vendor scheduled for the week of February 6th.
- We received a quote from the Association of California Water Agencies Joint Powers Insurance Authority (ACWA JPIA) for General Liability Insurance.



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ORIGINATING SECTION: ENGINEERING
CONTACT: KURT ARENDS

AGENDA DATE: February 15, 2012

ITEM NO. 11d

SUBJECT: Update Related to the Bay Delta Conservation Plan

BACKGROUND:

The Bay Delta Conservation Plan (BDCP), which has the co-equal goals of achieving water supply reliability while improving the ecosystem, is a voluntary effort to obtain long-term, incidental take permits for the operations of the State Water Project (SWP) and the Central Valley Project (CVP) through development of a comprehensive Habitat Conservation Plan (HCP) under the federal Endangered Species Act, and a Natural Community Conservation Plan (NCCP) under the California Natural Community Conservation Planning Act. The BDCP is a mechanism for improving the ecological conditions to provide multi-species regulatory protection in the Delta. Zone 7's interest is securing the regulatory protection for SWP operations and restoring water supply lost to recent regulation and court action through a long-term multi-species habitat conservation agreement.

The Delta Habitat Conservation and Conveyance Program (DHCCP) is the effort to do preliminary engineering to analyze the proposed actions in the BDCP under the federal National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) and prepare the related environmental impact documents. This effort also includes development of preliminary engineering designs, geotechnical field studies and analysis, and other necessary feasibility information for Delta water conveyance and related habitat conservation measures under the BDCP.

DISCUSSION

Over the past few months thousands of pages of draft work products have been released to the water agencies and public on the BDCP website (<http://baydeltaconservationplan.com>). These documents represent preliminary draft chapters of both the BDCP and the Environmental Impact Report/Statement (EIR/S). The available information will be presented in an administrative Draft of the BDCP that is scheduled to be released by the end of February. In addition to being a significant milestone in the process, this will demonstrate the agency's ability to meet a schedule milestone that was agreed to in the Memorandum of Agreement (MOA) recently signed by the State and federal agencies and contractors.

Future schedule milestones contained in the MOA include the release of a second draft BDCP in May and the Public Draft of both the BDCP and EIR/S in June with the goal of having final documents by the end of 2012.

To help make the process more transparent and accessible to the public and various interest groups, the Resources Agency is conducting monthly Public Meetings where they review draft documents and appendices and answer questions. In addition, a copy of working documents as they are prepared can be found on the BDCP web site listed above.

The State Water Contractors are following the development of the documents and coordinating review efforts. Some documents, such as the effects analysis, have undergone independent peer review. The effects analysis was reviewed by seven scientists who developed a list of recommendations which were sent back to the BDCP development team.

As previously mentioned, the MOA has been executed and the last few small agencies are now in the process of executing the Supplemental Funding Agreements which will provide the required funding to complete the BDCP and EIR/S in accordance with the MOA. The majority of contractors have signed the funding agreement including the largest contractors who pay a bulk of the cost which is proportioned according to the agencies Table A water amount.

The Department of Water Resources (DWR) has submitted a budget request for 2012/13 authorization to hire 135 new positions with another 100 in the following fiscal year to do the preliminary and design engineering for the BDCP/DHCCP. The cost for the first 135 positions is estimated at \$25.4 million per year and is described in the budget as being paid for by the contractors. The State Water Contractors are discussing with Mark Cowin, DWR Director, to determine DWR's rationale and the best solution, given that the State Contractors will be paying the full bill. Until this is resolved it is premature for state contractors to support DWR's budget request.



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ORIGINATING SECTION: ENGINEERING
CONTACT: KURT ARENDS

AGENDA DATE: February 15, 2012

ITEM NO. 11e

SUBJECT: Report on Zone 7 Vehicle Fleet

BACKGROUND:

There is currently no formal Zone 7 policy governing the purchasing and/or replacement of agency vehicles. In December of 2007, a draft Energy Policy was presented to the Board which identified goals of reducing greenhouse gas emissions, reducing energy use and considering the purchase of energy efficient and/or low emission vehicles. However, that policy was not adopted by the Board. Instead the Board included the development of energy guidelines as one of the Agency's strategic planning priorities for staff. These staff guidelines were completed on schedule with the Strategic Planning Priorities and subsequently implemented. The guidelines include those pertaining to selection of new vehicles.

DISCUSSION:

Vehicles are purchased for one of two reasons – either as a new, additional vehicle or as a replacement vehicle for one already in the fleet. In the first case, the agency begins considering the need to add a vehicle to its fleet when the requesting Section proposes the purchase cost as part of the annual budget and justifies the need through the budget review process. The annual budget is then presented to the Board for consideration and approval. If the budget is approved by the Board, the new vehicle is purchased and funded from that annual budget.

When a new vehicle is added to the fleet, a replacement fund is immediately created which accumulates funds over the expected life of the vehicle so that adequate funds are available to replace the vehicle once it comes to the end of its useful life. Vehicles are not automatically replaced, however. The decision of when to actually replace a vehicle is made by staff based on a cost-benefit assessment of the age, mileage, maintenance record, overall condition of the vehicle, the available funds within the replacement account and the overall budget approach for the agency at the time.

Once a budget has been approved and a vehicle has been identified for purchase (either as a new or a replacement vehicle), the energy guidelines are followed and a survey is done of replacement options which includes consideration of the actual use of the vehicle and the market options that are available to satisfy that use. It is at this point that staff looks at any hybrid or electric options, as well as any biodiesel and other "green" alternatives and considers the cost difference and overall life cycle cost of the options. Since 2009, Zone 7 has added four hybrid vehicles to its fleet.

Zone 7 currently has a pool of 45 cars and trucks in its fleet (see Table A). This includes vehicles which are generally shared among the staff and "assigned" vehicles which are typically assigned to field staff, primarily within the operations and maintenance departments (so that tools and equipment can be stocked for the typical work for which the vehicle is used). The vehicles are up to 17 years old and have up to 107,000 miles. Three vehicles are identified for replacement in the coming year and the same guidelines will again be applied.

Table A - Zone 7 Vehicle List

Vehicle Description	Current Mileage
1998 F-150	107,596
2006 F-150	89,988
2000 F-150	87,016
2003 Taurus Sedan	82,847
2004 F-150	79,698
2007 F-150 XLT P\U	74,357
1998 Ranger	74,193
1999 Ranger	70,431
2007 F-150 Pickup	69,437
2000 Taurus Sedan	62,721
1997 Explorer	59,099
2003 Ranger	55,304
2001 Ranger	54,485
2006 F-150	53,789
2001 Windstar	52,349
2009 Escape Hybrid	51,890
2003 Windstar	47,978
1998 Contour Sedan	45,293
2007 Explorer Sport Trac	42,189
2003 Taurus Sedan	42,017
2002 F-250 S\D	41,778
2009 Escape Hybrid	39,310
2001 Ranger	37,248

Vehicle Description	Current Mileage
1995 Aerostar	36,401
1999 E-250 C-Van	35,865
1999 Ranger	34,948
2006 F-350 Utility	30,040
2007 Explorer Sport Trac	24,513
2003 Escape	24,176
2009 F-150 Pickup	24,152
2009 Malibu Hybrid	24,089
2008 F-450 SD (FB)	22,268
2006 F-550 Utility	22,002
2007 F-450 Utility	21,372
2007 F-150 Pickup	17,232
2008 F-450 SD (UT)	17,120
2009 E-350 Van	10,256
2009 E-350 Van	9,605
2012 F-150 4X2 Super-Cab Pickup	8,521
2009 E-350 Van	8,511
2009 E-350 Van	7,779
2011 F-450 Cab-Chassis	2,664
2012 F-150 4X4 Super-Cab Pickup	2,600
2012 Escape Hybrid 4X2	853
2012 F-450 Cab-Chassis	687