



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, March 21, 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 February 15, 2012
5. Consent Calendar
 - a. Public Entity Resolution for Banking Services
 - b. Authorize Agreement with U.S. Bank to Participate in the State of California Purchasing Card Program (CAL-Card)
 - c. Establishment of a 401(h) Account with the Alameda County Employee's Retirement Association (ACERA)
 - d. Contract for Advocacy and Legislative Consulting Support Services
 - e. Overlap Area Services Agreement Between ACWD and Zone 7
 - f. Grant of Easement to the City of Pleasanton for the Stoneridge Bridge Crossing over Arroyo Mocho
Accept Grant of Access Easements from the City of Pleasanton and CLC Development
 - g. Award of Contract to Southwest Environmental for Direct Install High-Efficiency Toilet and Urinal Program
 - h. Records Retention/Management Policy Framework
 - i. Award of Contract for Greenhouse Gas Analysis for the Bay Area Regional Desalination Project

6. Staffing Update:
 - a. New Employee Introduction
 - b. Employee of the Month Recognition
7. Award of Contract for the Patterson Pass Water Treatment Plant Sanitary Sewer Pipeline Project

Recommended action: Adopt resolution.

8. Committees – Minutes pending for Finance Committee, March 19, 2012

9. Reports – Directors

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

10. Items for Future Agenda – Directors

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

- a. General Manager's Report
- b. Recent Public Outreach Activities
- c. Legislative Update
- d. Status Report on Separation Efforts
- e. 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
- c) Conference with Legal Counsel - Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: 1 case

Alameda County Flood Control & Water Conservation District, Zone 7 v. Dennis Baca, et al.,
Alameda County Superior Court Case No. VG06292844

13. Open Session and Report Out of Closed Session

14. Adjournment

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

- a) Finance Committee Meeting: March 19, 2012, 4:00 p.m.
- b) Special Board Meeting: April 4, 2012, 7:00 p.m. (if needed)
- c) Regular Board Meeting: April 18, 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

February 15, 2012

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

DIRECTORS: SANDS FIGUERS
JOHN GRECI
A J MACHAEVICH (arrived late)
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, ADMINISTRATIVE SERVICES
CAROL MAHONEY, SENIOR GEOLOGIST, INTEGRATED PLANNING
RHETT ALZONA, SENIOR ENGINEER, FACILITIES ENGINEERING
MARY LIM, ASSOCIATE WATER RESOURCES PLANNER
JUDY RECTOR, BOARD SECRETARY

COUNSEL: DAVID ALADJEM, DOWNEY BRAND

Item 3 - Citizens Forum – None.

Item 4 - Minutes of the Regular Meeting of January 18, 2012

On a motion by Director Quigley with a second by Director Greci, the minutes of the Regular Meeting of January 18, 2012, were approved by a voice vote of 6-0 with Director Machaevich absent.

Item 5 - Consent Calendar

Consent Items (d) & (e) were pulled because modified versions were given to the Board and staff wanted to explain the changes before the vote.

On a motion by Director Greci with a second by Director Palmer, Items a, b, c, f, g, h and i from the Consent Calendar were approved by a voice vote of 6-0 with the following resolutions (no resolution for Item g):

- Resolution 12-4158 Authorized Director Dick Quigley's attendance at the ACWA's DC Conference February 28 through March 1, 2012, in Washington, D.C. (Item 5a)
- Resolution 12-4159 Authorized the General Manager to negotiate and execute a grant contract and work with the United States Bureau of Reclamation (USBR) to obtain a WaterSMART: Water and Energy Efficiency Grant for water and energy saving improvements to Zone 7's Mocho Groundwater Demineralization Plant and certified that the amount of matching funding is available. (Item 5b)
- Resolution 12-4160 Authorized the General Manager to sign the Real Property Purchase Contracts (prior to submission to the Board of Supervisors) consenting to the granting of said real property rights to Caltrans for fee properties and temporary construction easements as part of the construction for the High Occupancy Vehicle Lane on #I-580. (Item 5c)
- Resolution 12-4163 Authorized the General Manager to execute transition agreements with 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; and Local 1021 of the Service Employees International Union. (Item 5f)
- Resolution 12-4164 Approved continuing deductions for elective coverage of Unemployment Insurance for employees as previously provided by Alameda County commencing July 1, 2012. (Item 5h)
- Resolution 12-4165 Approved continuing deductions for elective coverage of State Disability Insurance for employees as previously provided by Alameda County commencing July 1, 2012. (Item 5i)

David Aladjem discussed the reasons for the revisions to Consent Item 5(d) – Zone 7 Conflict of Interest Code. When Zone 7 added Dougherty Valley in Contra Costa County, it became a multi-county agency. Previously, as a single-county agency, Zone 7 reported to the Board of Supervisors for Alameda County; now, as a multi-county agency, Zone 7 must report to the Fair Political Practices Commission (FPPC), a state-wide agency. The revision to the agenda item was not in the original Board agenda packet so a revised, red-lined version showing the differences in the reporting agency was provided to the Board prior to the meeting.

Director Palmer moved and Director Greci seconded the motion to approve Item 5(d). Resolution No. 12-1461 was approved by a voice vote of 6-0 with Director Machaevich absent.

Consent Item 5 (e), amending the Board Policy on Conducting Business, was presented to the Board with the changes to the paragraph on Page 9 shown in red-lined format to clarify decision-making authority in emergency and urgent business conditions. When the issue was raised about the powers of the General Manager in times of emergency, Director Moore asked if the General Manager has the ability on his or her own to be able to make decisions for the good of the agency

in emergency situations without having the Board present. The current policy did not have the language needed but the revision clarifies how those decisions are to be made.

Director Palmer moved and Director Quigley seconded the motion to approve Item 5(e). Resolution No. 12-1462 was approved by a voice vote of 6-0 with Director Machaevich absent.

Director Machaevich arrived at 7:10 p.m.

Item 6 - Staffing Updates

Item 6 (a) – Congratulations to Retirees

Ms. Duerig congratulated John Yue, Assistant General Manager, Finance, and Peter Cruttenden, Water Resources Technician III, on their retirements. Neither was present at the meeting but a Board resolution was prepared for both Mr. Yue and Mr. Cruttenden to honor their service to the agency.

Director Quigley moved and Director Palmer second the motion to approve both resolutions: Resolution No. 12-4166 for John Yue and Resolution No. 12-4167 for Peter Cruttenden was approved by a voice vote of 7-0.

Item 6 (b) – Employee of the Month Recognition

Jeff Jones, Zone 7 Construction Inspector, is the employee of the month for December 2011. Although Mr. Jones was not present, Ms. Duerig discussed the variety of assignments he has had over the past 30 years with the agency including Operator, Maintenance Supervisor, Safety Coordinator, and now Construction Inspector. He was recognized as a valuable employee and a great asset to Zone 7.

Item 7 – Cope Lake Improvements & Maintenance Project – CEQA Compliance

Mary Lim, Associate Water Resources Planner in the Integrated Planning Section, presented the above-noted item to the Board. This item involves two projects: 1) Cope Lake slope repairs to make it safe and functional as part of the Chain of Lakes network and 2) installing a discharge pipeline from the existing Vulcan discharge point to recapture groundwater and put into Cope Lake, Lake I or Lake H.

Two impacts, air quality (dust abatement) and biological resources (red-legged frog and avian species) were discussed and the mitigation measures that will be taken.

The Negative Declaration was made available for public review but no formal public comments were received.

Director Greci questioned whether Zone 7 has any right to do anything in lakes we do not own at the present time since Zone 7 will not own Lake H for two more years. General Counsel David Aladjem answered that we do not have land rights right now but will acquire them in two years. Director Greci asked if we are “jumping the gun” in mentioning Lake H in this proposal? General Manager Jill Duerig responded that when there is a possibility of a foreseeable environmental impact, it has to be considered as part of the overall conceptual project and this avoids the necessity for supplemental environmental impact assessments.

Director Stevens asked if Hanson is responsible for reclaiming Lake H. Don Kahler, Pleasanton Gravel, explained that it was difficult for Vulcan to get across the Mocho so Hanson mined it. He added that George Jamieson's home is located near the lake and is in danger of falling into it. Since Hanson actually mined the lake in the contract with Zone 7, and they have the responsibility of reclaiming the lake and installing the diversion structures. Hanson is leasing the property now but the lease expires in 2014. Hanson may not have enough money to build the diversion structure and complete the reclamation plan.

President Figuers asked if Hanson reclaiming it is part of the Surface Mining and Reclamation Act (SMARA) reclamation process and have sufficient financial assurances been posted? Mr. Kahler said every year the County makes sure bonds will cover all the reclamation and they thought there was enough money to cover the diversion structure. Fish and Game wants a different diversion structure and there is not enough money to accomplish it so the County is concerned about who is going to pay for it.

President Figuers asked General Counsel David Aladjem if, under SMARA, Hanson doesn't accomplish the reclamation, and Alameda County has control of those funds but do not have to do anything with them, could they just "walk" and Zone 7 could be on the hook? Mr. Aladjem responded that if the County tried to take the funds and say they do not have an obligation, there would be grounds for recourse against them under SMARA.

Director Stevens asked about Fish and Game's role. Mr. Aladjem said he is not aware that Fish and Game can unilaterally require a modification of a reclamation plan but they have a role in the process. Ms. Duerig clarified that the reclamation plan says there will be a diversion structure from the Arroyo Mocho. Fish and Game would have to permit such a diversion structure and can refuse to permit it unless there are fish screens and things not part of the original concept so the costs may become extremely high. Ms. Duerig believes it is within their permitting authority and we need to work with them to come up with less expensive alternative designs or perhaps some grant opportunities that might contribute to fish protection.

President Figuers said he has never heard of Fish and Game, under SMARA, going in after the fact and refusing or denying permits to construct something that has been approved by all agencies. Mr. Aladjem said the current experiences with Fish and Game show that they have become much more persuasive about how permits ought to be written and that is one of the reasons people are trying to work with them at the outset. Fish and Game has probably looked at the reclamation plan, said they don't care for it, would like more, and how do we get there? Because of EACCS and other initiatives, addressing these issues upfront with Fish and Game is the right direction for Zone 7.

Director Machaevich asked at what point Cope Lake becomes useable to us after it is cleaned up? Does it become a storage pond at that point and what is the timeline? Ms. Duerig said that in effect it is a storage pond now but it does not have safe side slopes because Zone 7 received the lake in an "as is" condition. Zone 7 has been reinforcing some of the most dangerous slopes that were slipping and sliding, especially near the house, but there is more work to do. Vulcan has been discharging into the Arroyo Mocho and, instead of letting that groundwater pump out of the groundwater basin, down the Arroyo and into the bay, we could move it, for example, into Cope Lake; that is one of the options.

Director Quigley asked for a guestimate on the impact to rate payers and do we have an expected water gain in wet and dry years? Ms. Duerig responded that in terms of rate impact, 70 percent is being picked up by connection fees or expansion funds, only 30 percent by the water rate aspect. Because it has already been factored into our water rate calculation, it does not have a direct impact. We won't know the actual cost until we complete the designs and go out to bid.

Rhett Alzona, Senior Engineer, Facilities Engineering, said the work that is going to be done this year is basically repairing slope failure. That is the immediate repair that was scheduled for 2013-14 but had to be moved up to this year.

Director Quigley remarked on sink holes. Mr. Alzona said there are sink holes on the upper slope and the intent of the project is to repair and put in drainage systems.

Director Moore clarified that the requested action is to approve an initial study and mitigated negative declaration and as the project moves forward, the Board will have a chance to review it again. Ms. Duerig agreed that this is not a final design yet, just approval to do those final designs once the Board has approved the project in concept.

Director Palmer asked about rewording the resolution due to comments in a letter the Board received from Reed Smith concerning Cope Lake Improvements such as "Lake H if it becomes available." Mr. Aladjem read some language that could be added to the resolution:

Conditions Precedent to Project. Absent the prior written consent of Pleasanton Gravel Company, Zone 7 will not discharge water into or make any other improvements or have access to Lake H at any time until proper title transfers to Zone 7.

He reassured the Board that the language will give the Board an opportunity to work with Pleasanton Gravel and to say, if we can reach an agreement, you can do the work but until then, no work is done until title transfers and that addresses Director Greci's question in the beginning of this discussion.

Director Stevens asked why we are going above ground on the pipelines. Ms. Duerig explained that we are looking at the worst case scenario when doing an environmental impact. There is no design yet and there may not be any pipelines at all or it could be a very short pipeline that goes into Cope Lake and then we finalize some of the existing connections to move water around; it is just an option. When you do an environmental impact assessment, you look at the worst case. Until they do the final designs, we do not know which design will be selected.

President Figueroa opened the public hearing. No further comments were received. President Figueroa closed the public hearing.

Director Moore moved for approval of the staff recommendation with the amendment of Counsel's language addition regarding Pleasanton Gravel. Director Palmer seconded the motion. Resolution 12-4168 was passed by a roll call vote of 7-0.

Item 8 – Committees – none.

Item 9 – Items for Future Agendas – Directors

Item 10 – Reports – Directors

Director Quigley attended an ACWA Region 5 event and commented on the impressive facilities at Santa Clara Valley Water District.

Director Stevens noted that Directors can drive over and look at the new stormwater retention basin south of the Paragon Outlet Development at El Charro Road and gave directions on how to get there.

Item 11 – Staff Reports (Information items.)

- 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

General Manager Jill Duerig shared a verbal report that Patterson Pass Water Treatment Plant was back on line and applauded the construction team and start-up team. The clarifier upgrade project was completed and performance testing started ahead of schedule. This was a 50-year old clarifier and maintenance had been deferred several times because of a tight budget. There were fears it would fail in the summer during a high demand period so the project's timely and successful completion was critical.

Director Quigley commented that the City of Dublin put through the trail on the Laguna between Dublin and Pleasanton.

The Board went into closed session at 7:45 p.m.

Item 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

Item 13 - Open Session and Report Out of Closed Session

President Figuers said there was nothing to report when the Board came out of closed session at 8:30 p.m.

The meeting was adjourned at 8:32 p.m.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING DIVISION: Administrative Services

CONTACT: Tamara Baptista

AGENDA DATE: March 21, 2012

ITEM NO. **5a**

SUBJECT: Public Entity Resolution for Banking Services

SUMMARY:

- As part of the transition from the County, Zone 7 plans to use a bank account in its own name for all future financial transactions, such as depositing revenues, making payroll and accounts payable payments.
- Zone 7 has started the process of opening a bank account with Wells Fargo Bank.
- Staff recommends adoption of the attached resolution, under California Government Code 53649, authorizing the General Manager, or designee, to perform banking transactions on behalf of the Agency.

FUNDING:

The cost of banking services is estimated to be under \$7,000 per year plus estimated one time set up charges of \$5,600. Funding is available in the Flood Control Fund (50) and Water Enterprise Fund (52).

RECOMMENDED ACTION:

Adopt the attached resolution, authorizing the General Manager, or designee, under California Government Code 53649, to execute or perform banking transactions on behalf of the Agency.

ATTACHMENT:

Resolution

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

PUBLIC ENTITY RESOLUTION

California Government Code 53679 stipulates that money not under control of the treasurer but belonging to a local agency and under the control of any of its officers or employees other than the treasurer may deposit funds as active deposits or inactive deposits.

For deposits in excess of the amount insured under any federal law, a contract in accordance with Section 53649 is required.

It is resolved that the officer now or subsequently holding the position of General Manager of Zone 7 of Alameda County Flood Control and Water Conservation District is authorized under California Government Code 53649 to enter into any contract with Wells Fargo Bank, N.A., relating to any deposit and disbursement of funds, which in his or her judgment is to the public advantage. Contracting requirements could include:

- Establish bank accounts and services.
- Sign, or change in writing, agreements with the Bank regarding Zone 7's bank deposit relationship.
- Specify in writing to the Bank the individuals who are authorized in the name of and on behalf of Zone 7 to:
 - Withdraw funds from any of the Public Entity's banking accounts on the Public Entity's checks or orders.
 - Endorse and deliver to the Bank, for any purposes, and in any amount, negotiable or non-negotiable items of any kind, and owned by, or held by, or payable to Zone 7.
 - Send, review, and/or authorize wire and electronic transfers of funds from the Zone 7 accounts. Such authority may be exercised by such authorized individual acting alone, regardless of any multiple signature requirements otherwise applicable to the accounts.
 - Otherwise access Zone 7's deposit accounts.

This authority has been granted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District and shall remain in effect until the Bank receives written notice of revocation at the Office where the Zone 7's banking relationship is maintained.

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

March 21, 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: MIKE WALLACE/TAMARA BAPTISTA

AGENDA DATE: March 21, 2012

ITEM NO. 5b

SUBJECT: Authorize Agreement with U.S. Bank to Participate in the State of California Purchasing Card Program (CAL-Card)

SUMMARY:

- As part of the ongoing transition from Alameda County, staff recommends that Zone 7 join the State of California purchasing card program (CAL-Card).
- The CAL-Card program is based on an October 19, 2006, Master Services Agreement between the State of California and the U.S. Bank National Association ND ("U.S. Bank"). Local agencies can participate in the program by executing an Addendum to the Master Services Agreement (see attachment).
- By entering into an agreement with U.S. Bank for the CAL-Card purchasing program, Zone 7 maintains its ability to make purchases that would not be significant enough to warrant the issuance of either Purchase Orders or Contracts, since they are for low-dollar, day-to-day purchases.
- In 2010, the California Association of Public Purchasing Officers completed a survey which shows that the majority of water agencies who responded to the survey participate in the CAL-Card purchasing card program.
- Currently, Zone 7 purchases nearly \$250,000 a year using the County's purchasing card program.
- Executing this agreement will allow Zone 7 to participate in a purchasing card program that is similar to the one previously provided by Alameda County with the added benefit of realizing the proceeds of any rebates earned.

FUNDING:

Adopting this policy has no negative fiscal impact on the Agency.

RECOMMENDED ACTION:

Adopt attached resolution.

ATTACHMENTS:

Resolution
Agreement

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

***AUTHORIZING AN AGREEMENT WITH U.S. BANK FOR THE STATE OF CALIFORNIA
PURCHASING CARD PROGRAM (CAL-Card)***

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District will support and maintain its own purchasing activities in very much the same manner after separation from the County as before the separation; and

WHEREAS, the structure and intent of participation in a purchasing card program such as the CAL-Card serves the needs of Zone 7 as is currently provided by the County of Alameda on Zone 7's behalf; and

WHEREAS, Staff recommends approving said agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby approve the Addendum to State of California Purchase Card Program Master Services Agreement (DGS MSA 5-06-99-01) with U.S. Bank and approve Zone 7 joining the CAL-Card program to obtain purchasing card services; and

BE IT FURTHER RESOLVED that the General Manager is authorized to execute said Addendum.

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

March 21, 2012

By: _____
President, Board of Directors

**ADDENDUM TO STATE OF CALIFORNIA PURCHASE CARD PROGRAM
MASTER SERVICES AGREEMENT (DGS MSA 5-06-99-01)**

This Participating Agency Addendum ("**Participating Agency Addendum**") is entered into, by and between U.S. Bank National Association ND ("**U.S. Bank**") and the Participating Agency identified herein and executing this Participating Agency Addendum as "**Participating Agency**", and constitutes an addendum to and modification of the State of California Purchase Card Program Master Services Agreement (DGS MSA 5-06-99-01) dated October 19, 2006 (the "**Agreement**") between the Department of General Services ("**DGS**") on behalf of the State of California, and U.S. Bank. The Master Services Agreement DGS MSA 5-06-99-01 and its amendments are incorporated by reference and made a part of this Participating Agency Addendum. This Participating Agency Addendum shall become effective upon signing by or on the behalf of U.S. Bank ("**Effective Date**") and supersedes any previous and like addenda with Participating Agency.

RECITALS:

- A. DGS has entered into the Agreement for the purpose of making available the Purchasing Card Program as described in the Agreement for use by for Participating Agencies; and
- B. The Agreement contemplates the inclusion of Participating Agencies by a process of voluntary execution of an addendum; and
- C. The Participating Agency has received a copy of the Agreement and after thorough review of the Agreement desires to become a Participating Agency as that term is defined in the Agreement.

AGREEMENT:

NOW THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by reference, the mutual promises and covenants set forth in the Agreement, which is incorporated herein by reference, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Participating Agency, and U.S. Bank agree as follows:

- 1. The Participating Agency agrees to accept and perform all duties, responsibilities and obligations required of Participating Agency as set forth in the Agreement. CAL-Cards shall be issued to employees of the Participating Agency upon execution of this Participating Agency Addendum by the Participating Agency and U.S. Bank. U.S. Bank shall submit invoice(s) to the Participating Agency at the address indicated herein.
- 2. U.S. Bank is authorized to place the seal or logo of the Participating Agency on the CAL-Cards issued to employees of the Participating Agency for the sole purpose of identifying the card for official use only. Such seal or logo shall be subject to use limitations as apply to the State seal on Page 3 of the Agreement.
- 3. The Participating Agency shall make monthly payments as provided in the Agreement to U.S. Bank of the full amount of the official monthly invoice by causing a check or checks or a warrant or warrants to be issued payable to the order of U.S. Bank on demand or by use of an Automated Clearing House or Electronic Data Interchange to make such payment to U.S. Bank.
- 4. The Participating Agency shall provide U.S. Bank with a copy of its audited financial statements within sixty (60) days of completion and, upon request of U.S. Bank, such other financial information as may be reasonably requested.
- 5. Either party may terminate this Participating Agency Addendum at any time by giving thirty (30) days written notice to the other party, whether or not such other party is in default.
- 6. The Participating Agency declares that CAL-Cards shall be used for official Participating Agency purchases only, and shall not be used for individual or consumer purchases nor to incur consumer debt. The Participating Agency warrants that it possesses the financial capacity to perform all of its obligations under the Agreement and this Participating Agency Addendum and the Participating Agency will not allow purchases to be made with CAL-Cards or incur any other financial obligation hereunder or under the Agreement prior to determining that existing appropriations available therefore are sufficient in amount to pay for such purchases or such other financial obligations.

7. The contact notice address for the Participating Agency is:

Program Manager Name	
Participating Agency Name	
Mailing Address	
City, State, Zip	
Email Address	

8. The agreements of the Participating Agency set forth in this Participating Agency Addendum and the Agreement constitute valid, binding and enforceable agreements of the Participating Agency and all extensions of credit made pursuant to this Participating Agency Addendum and the Agreement to the Participating Agency will be valid and enforceable obligations of the Participating Agency in accordance with the terms of the Agreement and this Participating Agency Addendum. The execution of this Participating Agency Addendum and the performance of the obligations hereunder and under the Agreement are within the powers of the Participating Agency, have been authorized by all necessary action and do not constitute a breach of any agreement to which the Participating Agency is a party or is bound. The signer of this Participating Agency Addendum further represents and warrants that he or she is duly authorized by an applicable constitution, charter, code, law resolution or other governmental authority to enter into transactions of this nature. Participating Agency represents and warrants that this transaction is within the scope of the normal course of business and does not require further authorization for Participating Agency to be duly bound by this Participating Agency Addendum. This Participating Agency Addendum requires approval as to form by the Attorney for the Participating Agency. If this Addendum is not approved as to form by the Attorney for Participating Agency, the completion of the attached Certificate of Authority is required and must accompany this Participating Agency Addendum.

In witness whereof, the parties have, by their duly authorized representatives, executed this Participating Agency Addendum.

Dated this ____ day of _____, 20__ by:

Dated this ____ day of _____, 20__ by:

Legal Name of Participating Agency

U.S. Bank National Association ND

(Signature of Authorized Individual)

(Signature of Authorized Individual)

(Printed Name of Authorized Individual)

Steven R. Kehr

(Printed Name of Authorized Individual)

(Printed Title of Authorized Individual)

Vice President

(Printed Title of Authorized Individual)

Approved as to form:

(Signature of Attorney for Participating Agency)

(Printed Name of Attorney)



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: MIKE WALLACE/TOM HUGHES

AGENDA DATE: March 21, 2012

ITEM NO. **5c**

SUBJECT: Establishment of a 401(h) Account with the Alameda County Employee's Retirement Association (ACERA)

SUMMARY:

As part of the ongoing transition of the Agency and its employees from Alameda County, staff recommends that the Board adopt the attached resolution to establish a 401(h) account with ACERA in order to maintain tax-free medical benefits to Zone 7 retirees, under Internal Revenue Code (IRC) § 401(h).

The 401(h) account will allow future retiring employees to 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

**RESOLUTION TO AUTHORIZE AN AGREEMENT WITH THE ALAMEDA COUNTY
EMPLOYEES' RETIREMENT ASSOCIATION (ACERA) FOR 401 (h) ACCOUNT**

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District will support and maintain retirement benefits for its staff after separation from the County of Alameda, equal to retirement benefits prior to separation; and

WHEREAS, the Alameda County Employees' Retirement System (ACERA) has proposed an agreement which allows for the continued "tax free" status of future Zone 7 retirees' medical benefits, pursuant to Internal Revenue Service code 401(h); and

WHEREAS, the structure and intent of ACERA's fees under this agreement are the same as those having been paid by the County of Alameda on Zone 7's behalf in the past; and

WHEREAS, Staff recommends approving said agreement.

NOW THEREFORE BE IT RESOLVED that the Zone 7 Board does hereby authorize the General Manager to negotiate and execute an agreement; and

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

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

AGENDA DATE: March 21, 2012

ITEM NO. 5d

SUBJECT: Contract for Advocacy and Legislative Consulting Support Services

SUMMARY:

- The Gualco Group, Inc., has provided professional services to Zone 7 related to governmental relations, in particular providing advocacy and legislative consulting, since January 2003.
- The latest RFP for these services was issued in January 2012. The RFP was sent to 11 firms and posted on Zone 7's website. Gualco was the only firm to respond by the February 10 deadline.
- Staff recommends authorizing the General Manager to negotiate and execute a contract with The Gualco Group that would run from April 1, 2012 through December 31, 2014, with the potential for up to two one-year extensions.
- Including allowable reimbursable expenses, the maximum annual compensation under this contract would be \$63,000.

FUNDING:

Funding is available from Fund 50 – General Fund and from Fund 52 – Water Enterprise.

RECOMMENDED ACTION:

Approve attached Resolution, authorizing the General Manager to negotiate and execute a professional services contract with The Gualco Group, Inc., to provide advocacy and legislative support services for a total not-to-exceed amount of \$63,000 per year.

Attachments: Background memo
Resolution

Interoffice Memo

Date: March 21, 2012
To: Jill Duerig, General Manager
From: Boni Brewer, Communications Specialist
Subject: Contract for Advocacy & Legislative Consulting Support Services

BACKGROUND:

The Gualco Group, Inc. has been providing Advocacy & Legislative Consulting Support Services to Zone 7 since January 2003.

The most recent Request for Proposals to provide such services was issued in January 2012 and The Gualco Group was the only firm to submit a proposal. Prior to this year, the last RFP was issued in December 2008 and of the three firms that submitted proposals, Gualco was determined to be the best qualified and the best fit for Zone 7. This was due to its understanding of Agency issues and its experience in representing the interests of both water agencies and flood protection agencies on the state level. A 2009 contract allowed for two one-year extensions, the last of which expired on December 31, 2011.

DISCUSSION:

With our continued dependence on imports from the State Water Project and with state budget impacts on local government and the state project continuing to be of concern, Zone 7 staff requests the continued retention of the professional services of a government relations consultant to represent the Agency's issues and concerns at the state level.

The needs of the Livermore-Amador Valley and of Zone 7 are complex. Zone 7 needs a government relations firm to help in the following areas:

1. Track legislation that might affect Zone 7 water-supply and/or flood-control programs.
2. Initiate legislation on behalf of Zone 7, and
3. Put Zone 7 in a better position to attract state and/or federal grants.

Staff has been pleased with the The Gualco Group, Inc.'s performance and responsiveness to Agency requests.

In the proposed new contract, including allowable reimbursable expenses, the maximum annual compensation would run \$63,000 annually.

Gualco has agreed not to increase its monthly rate during the two-year, nine-month term of the initial contract.

FUNDING:

Funding is available from Fund 50 – General Fund and from Fund 52 – Water Enterprise.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

AUTHORIZING AWARD OF CONTRACT TO THE GUALCO GROUP, INC., FOR
GOVERNMENT RELATIONS SERVICES

BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute a contract with The Gualco Group, Inc., to provide government relations services for advocacy and legislative consulting. The contract period would be from April 1, 2012 through December 31, 2014, in a not-to-exceed amount of \$63,000 per Calendar Year.

BE IT FURTHER RESOLVED that the General Manager is authorized to negotiate up to two one-year contract extensions.

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

March 21, 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: Engineering
CONTACT: Jarnail Chahal/Kurt Arends

AGENDA DATE: March 21, 2012

ITEM NO. 5e

SUBJECT: Overlap Area Services Agreement between ACWD and Zone 7

SUMMARY:

- During the 2005-06 Sphere of Influence (SOI) update and the related Municipal Service Reviews (MSRs) Alameda County Local Agency Formation Commission (LAFCo) identified an area where Alameda County Water District's (ACWD) SOI and Zone 7's jurisdictional boundary overlap in portions of Union City and Fremont.
- LAFCo recommended that the Boards of both agencies approve a services agreement (Agreement) which clarifies the responsibilities for future water service and groundwater protection within the overlap area.
- Under the proposed Agreement, Zone 7 will retain regional flood protection responsibility, ACWD will continue to provide groundwater protection services, and at some time in the future ACWD may extend their water service jurisdictional boundary into the overlap area.
- Should ACWD extend their water service jurisdictional boundary into the overlap area, ACWD and Zone 7 will negotiate with each other and with any other affected agencies to come to agreement for allocation of Ad Valorem property tax revenue from the area subject to the jurisdictional change per the applicable Revenue and Taxation Code.
- In addition, Zone 7 would forfeit entitlement to collection of the property tax override from the area. Since the total amount of property tax override collected each year is fixed for each agency and is irrespective of the areas or number of parcels from which it is collected, the total property tax override that Zone 7 receives will not change.
- The proposed Agreement has been reviewed by staff from Zone 7, ACWD and LAFCo. ACWD is planning to seek their Board approval at the April Board meeting. Staff recommends approval of the proposed Agreement.

FUNDING:

No current funding impact. In the future, should ACWD extend their water service jurisdictional boundary into the overlap area, due to the reallocation of property tax received by each agency there will be a very small (less than \$1000 per year) reduction in revenue received by Zone 7 for flood protection.

RECOMMENDED ACTION:

Adopt the attached resolution authorizing the General Manager to negotiate and execute the Overlap Area Services Agreement between ACWD and Zone 7.

ATTACHMENTS:

- Memorandum providing additional background information
- Resolution
- Draft Overlap Area Services Agreement.

Interoffice Memo

Date: March 21, 2012
To: Jill Duerig, General Manager
From: Jarnail Chahal, Engineering Manager
Subject: Overlap Area Services Agreement between ACWD and Zone 7

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

BACKGROUND:

During the 2005-06 Sphere of Influence (SOI) and the related Municipal Service Reviews (MSRs) Alameda County Local Agency Formation (LAFCo) identified an area in the eastern portion of Union City and the north-eastern portion of Fremont where Alameda County Water District's (ACWD) SOI and Zone 7 Water Agency's boundaries overlap. Since the services that the agencies would provide within the area of overlap differ, LAFCo determined that this issue doesn't warrant a change to ACWD's SOI or Zone 7's boundary. But LAFCo recommended both agencies' boards approve a services agreement (Agreement) relating to the overlap area. The general managers of ACWD and Zone 7 at that time came to a verbal understanding on the responsibilities for the various services within the area of overlap and staff from both agencies started drafting the Agreement but due to staff turnover, the Agreement was never brought forward for board approval.

DISCUSSION:

LAFCo initiated the data collection for the current five year SOI update and MSRs in late 2011 and are anticipating completion by early summer 2012. ACWD and Zone 7 staff believes that it is prudent for both agencies' boards to approve the services agreement prior to LAFCo's completion of their analysis in support of the current MSRs update. During the last couple of months staff from both agencies have reviewed the draft agreement originally prepared in 2005 and made edits to reflect the current status and understanding.

The overlap area, approximately 2,730 acres, is generally steep hills and is outside the growth limits of Fremont and Union City. Both cities have limited development in the area through voter initiatives. Attached Figure-1 shows the vicinity map for the overlap area and Figure-2 shows a close-up view of the areal topography.

Under the proposed Agreement, the following will be the service responsibilities for the overlap area:

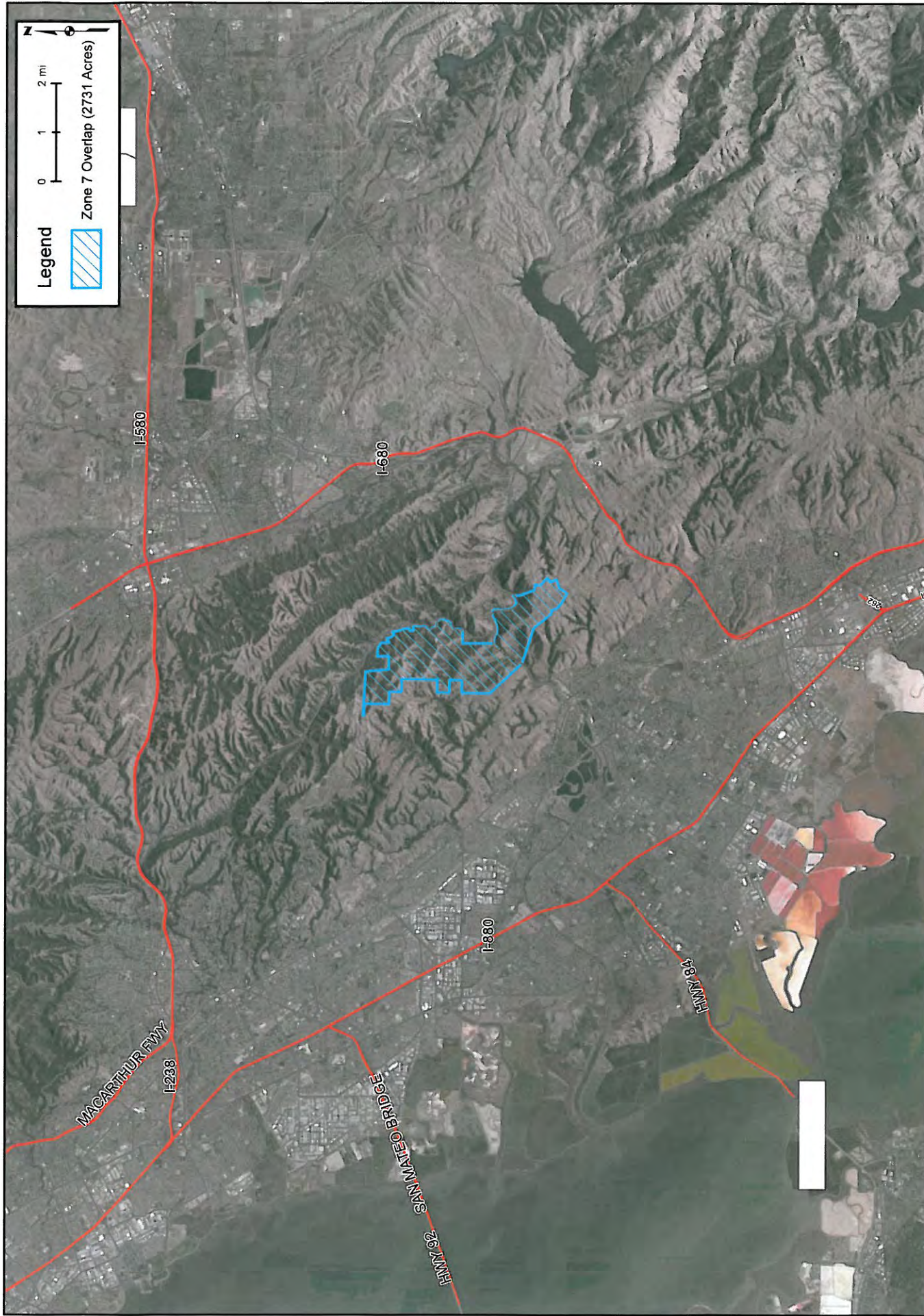
1. Zone 7 will retain flood control and storm water protection responsibility.
2. ACWD will retain responsibility related to activities involving protection of groundwater including oversight of investigation and remediation of leaking underground fuel tanks and spills, leaks, investigation, and cleanup sites and enforcement of ACWD Ordinance No. 2010-01 governing wells, exploratory holes and other excavations.
3. If and when ACWD expands their water service jurisdictional boundary into the overlap area, ACWD and Zone 7 shall, as local agencies affected by the annexation of territory to ACWD, negotiate with each other and with any other affected agencies to come to agreement as to the exchange of Ad Valorem property tax revenues attributable to the area subject to the jurisdictional change. This negotiation and agreement shall be subject to applicable provisions of the Revenue and Taxation Code in effect at the time of the jurisdictional change. In addition, ACWD shall be entitled to, and Zone 7 shall forfeit

entitlement to, collection of the property tax override from the area of water service jurisdictional change, as the property tax override is directly tied to the supply of water.

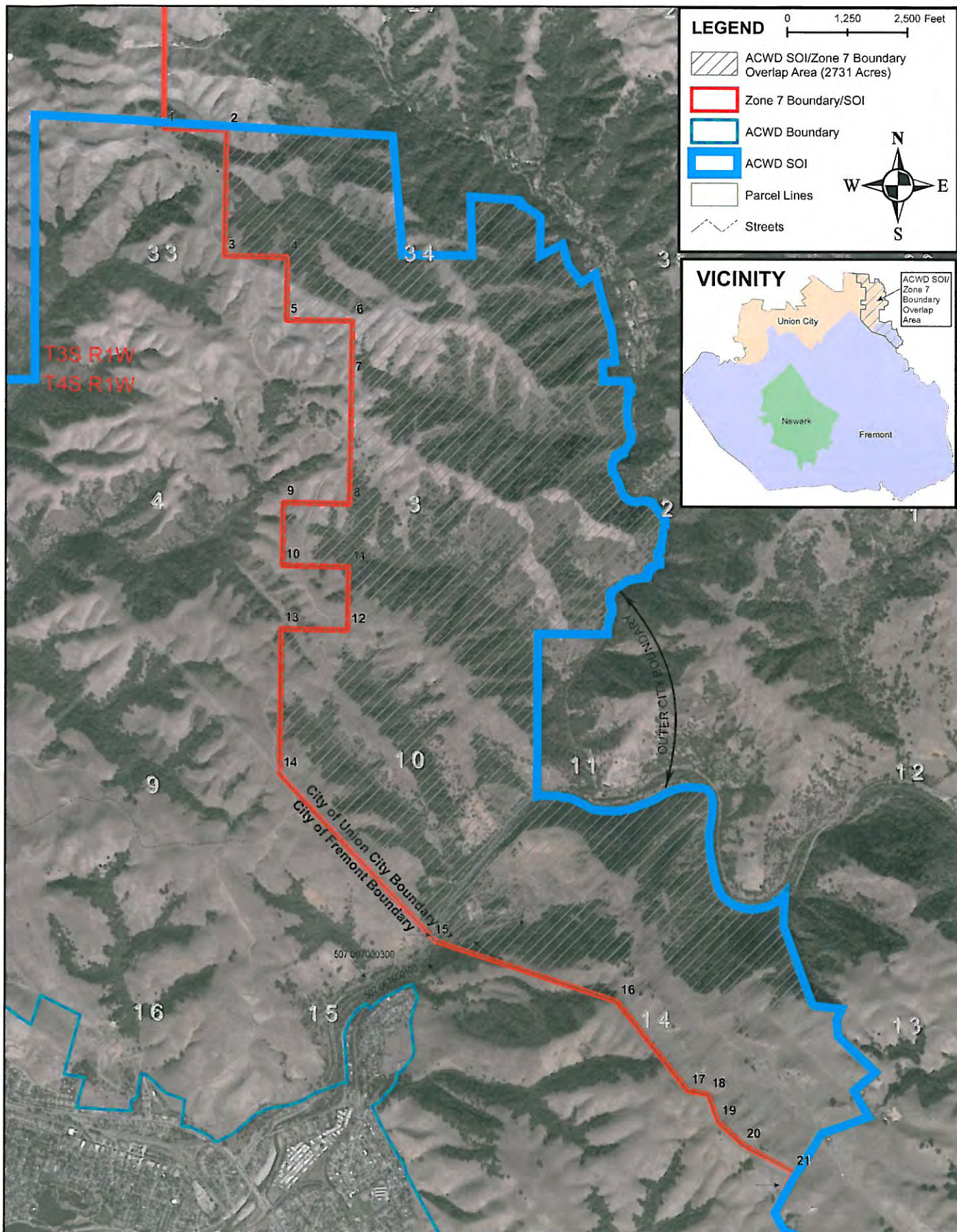
Under the current conditions, Zone 7's current share of the 1% Ad Valorem property tax from the overlap area amounts to approximately \$1,100 per year and this revenue provides funding for Zone 7's flood protection system maintenance activities. Under the proposed Agreement, should ACWD extend their water service boundary into the overlap area, per the Revenue and Taxation Code, ACWD will be added to the list of agencies providing service and will start receiving a share of the Ad Valorem property tax from the area. Since the total Ad Valorem property tax is fixed at approximately 1% of the property value, the addition of ACWD to the list of agencies sharing the Ad Valorem property tax from the area will reduce Zone 7's share of the tax but the actual amount of the impact is unknown.

ACWD and Zone 7 also receive property tax override revenue from lands within their respective water jurisdictional boundaries. This tax override revenue helps offset a portion of State Water Project contract costs. The total amount collected each year is fixed for each agency and is irrespective of the areas or number of parcels from which it is collected. The total amount to be collected for each agency each year is spread among all applicable parcels within the respective boundaries of each agency. Although, Zone 7 would be forfeiting entitlement to collection of the property tax override from the area of water service jurisdictional change under the proposed Agreement, the total property tax override that Zone 7 receives will not change.

The proposed Agreement has been reviewed by staff from Zone 7, ACWD and LAFCo. Both agencies' legal counsels have also reviewed the agreement. ACWD is planning to seek their Board's approval at their April Board meeting. Staff recommends Zone 7 Board's approval of the proposed Agreement.



	ZONE 7 WATER AGENCY 100 North Canyons Parkway, Livermore, CA	DRAWN: CDizon REVIEWED: File: E:\GIS Program\ACWD and Zone 7 Overlap BoundaryZone7&Parcels_CD Figure1.mxd	ACWD Sphere of Influence/Zone 7 Boundary Overlap Area Scale: 1 in= 2 mi Date: 03/01/2012 FIGURE 1
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ZONE 7 WATER AGENCY
100 North Canyons Parkway, Livermore, CA

DRAWN: CDizon courtesy of ACWD

REVIEWED:

File: E:\GIS Program\ACWD and Zone 7
Overlap Boundary\Zone7&Parcels_CD2.mxd

**Area of Overlap Between
ACWD Sphere of Influence
and Zone 7 Boundary**

Scale: 1 in= 2,500 ft

Date: 03/02/2012

FIGURE 2

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Overlap Area Services Agreement between ACWD and Zone 7

WHEREAS, Alameda County Local Agency Formation (LAFCo) during the 2005-06 Sphere of Influence (SOI) update and the related Municipal Service Reviews (MSRs) identified an area where Alameda County Water District's (ACWD) SOI and Zone 7's jurisdictional boundary overlap each other in portions of Union City and Fremont; and

WHEREAS, LAFCo determined that this issue doesn't warrant a change to ACWD's SOI or Zone 7's jurisdictional boundary and recommended that both agencies' boards approve a services agreement relating to the overlap area; and

WHEREAS, ACWD and Zone 7 desire to formalize the current and future services responsibility and establish a reasonable approach for the allocation of property tax revenue should ACWD's water service boundary be extended into the area of overlap.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute a services agreement for the area where ACWD's SOI and Zone 7's jurisdictional boundary overlap each other.

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

March 21, 2012

By _____
President, Board of Directors

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO

Alameda County Water District
43885 S. Grimmer Boulevard
Fremont, CA 94538
Attn: Gina Markou, District Secretary

SPACE ABOVE THIS LINE FOR RECORDER'S USE
No Recording Fee Required (Govt. Code §27383)

Agreement Regarding Agency Jurisdictional Overlap

THIS AGREEMENT is made as of _____, 2012 by and between the ALAMEDA COUNTY WATER DISTRICT, a political subdivision of the State of California ("ACWD") and the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7 ("Zone 7 Water Agency", or "ZONE 7"), a body corporate and politic. ACWD and ZONE 7 are collectively referred to herein as the "Parties".

RECITALS

1. ACWD was formed in 1914 under the County Water District Act of 1913 to protect the Niles Cone Groundwater Basin, conserve the Alameda Creek watershed and develop supplemental water supplies. ACWD's current jurisdictional boundary includes all of the city of Newark and the majority of the cities of Fremont and Union City. ACWD currently provides retail potable water service, as well as groundwater management, extraction and recharge services within its boundary.

2. ACWD's Sphere of Influence (SOI) was established in 1979 by the Alameda County Local Agency Formation Commission (LAFCo) and extends beyond its current jurisdictional boundary to include outlying hill areas and marshlands within the boundaries of Fremont, Newark and Union City.

3. Effective January 1, 2010, the Alameda County Water District Groundwater Protection Act ("ACWD Groundwater Protection Act") was added as Article 9.3 (commencing with Section 31142.20) to Chapter 1 of Part 5 of Division 12 of the California Water Code to provide a regional approach of regulating subsurface activities for the protection of groundwater within the cities of Fremont, Newark, and Union City. Prior to the enactment of the ACWD Groundwater Protection Act, ACWD regulated wells, exploratory holes, and other excavation pursuant to authority delegated to ACWD by the Well Ordinances adopted in 1973 by the cities of Fremont, Newark, and Union City. As authorized by the ACWD Groundwater Protection Act, ACWD adopted Ordinance No. 2010-01 titled, "An Ordinance of the Alameda County Water District to Regulate Wells, Exploratory Holes, and Other Excavations, within the Cities of Fremont, Newark, and Union City" on December 9, 2010. This ordinance regulates the construction, use, operation, maintenance, repair, reconstruction, improvement, inactivation, decommissioning, or destruction of wells, exploratory holes, other excavations, and appurtenances within the city boundaries and requires that a written permit be obtained from ACWD prior to conducting such work.

4. ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (executed on June 27, 1996) and with the cities of Fremont (executed on March 25, 1997), Newark (in addition to Alameda County; executed on

October 8, 2009), and Union City (executed on August 12, 1997) that allow ACWD to oversee the investigation and remediation at Leaking Underground Fuel Tank and Spills, Leaks, Investigation, and Cleanup sites.

5. ZONE 7 is one of the 10 active zones of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) which was established by the State Legislature in October 1949 to solve problems of flooding, drainage, channel erosion and water supply and conservation in Alameda County. ZONE 7 was formed in 1957 by a vote of local residents to procure a reliable drinking water supply and to provide storm drainage and flood control services. ZONE 7 differs from all other ACFC&WCD zones in that it was created under legislation that established an independently elected board. ZONE 7 provides retail and wholesale water service as well as groundwater management, extraction and recharge services, and flood control and stormwater protection to areas within its jurisdictional boundary.

6. ZONE 7 was created prior to the establishment of the Alameda County Local Agency Formation Commission (LAFCo) and did not have an adopted Sphere of Influence (SOI) until LAFCo approved the creation of the SOI for ZONE 7 on January 12, 2006. The SOI boundary area of ZONE 7, which is coterminous with its jurisdictional boundary and the eastern Alameda County boundary, includes the cities of Dublin, Livermore and Pleasanton, portions of Union City and Fremont, and surrounding unincorporated areas of eastern Alameda County.

7. The ACWD SOI and ZONE 7 jurisdictional boundary/SOI currently overlap one another in the northeast portion of Fremont and the east portion of Union City creating a condition where:

- A. The jurisdictions of the two agencies providing groundwater management and protection services currently overlap; and
- B. The jurisdictions of the two agencies providing water service would overlap in the event ACWD's water service boundary was ever extended into the ZONE 7 jurisdictional boundary.

The area of this current SOI and jurisdictional overlap (OVERLAP) is described and shown on Exhibit A which is attached hereto and included herein by this reference.

8. ACWD and ZONE 7 both receive a share of the Countywide 1% Ad Valorem property tax for lands within their respective jurisdictional boundary areas; such shares being based originally upon factors found in Assembly Bill 8, established in 1979.

9. The Revenue and Taxation Code requires agencies affected by the annexation of lands to a special district to negotiate an exchange agreement for the annual Ad Valorem tax increment that results from the change in assessed valuation in lands annexed after July 1980.

10. ACWD and ZONE 7 both receive property tax override (voter approved debt service) revenue from lands within their respective jurisdictional boundary areas. This tax override revenue helps offset a portion of State Water Project contract costs. The override tax is collected annually by Alameda County on behalf of ACWD and ZONE 7. The total amount collected each year is fixed for each agency and is irrespective of the areas or number of parcels from which it is collected. The total amount to be collected for each agency each year is spread among all applicable parcels within the respective boundaries of each agency.

11. ACWD and ZONE 7 desire to:

- A. Formalize responsibility for current and future water service and groundwater protection in the area of OVERLAP; and
- B. Establish a reasonable approach for the allocation of property tax revenue should ACWD's water service boundary be extended into the area of OVERLAP.

THE PARTIES AGREE AS FOLLOWS:

1. ACWD shall exercise exclusive jurisdiction over activities involving protection of groundwater including oversight of investigation and remediation at Leaking Underground Fuel Tank and Spills, Leaks, Investigation, and Cleanup sites and enforcement of ACWD Ordinance No. 2010-01 governing wells, exploratory holes and other excavations in the area of OVERLAP.

2. ACWD shall exercise exclusive jurisdiction to provide water service to the area of OVERLAP.

3. ZONE 7 shall exercise exclusive jurisdiction over activities involving flood control and storm water protection to the area of OVERLAP.

4. ACWD shall have no right or entitlement to collection of property tax in any portion of the area of OVERLAP unless and until its water service jurisdictional boundary is extended into the area of OVERLAP.

5. In the event ACWD's water service jurisdictional boundary is extended into the area of OVERLAP, the following shall apply to all lands that exist within both ACWD's water service jurisdictional boundary and the area of OVERLAP:

- A. ZONE 7 shall retain all responsibilities and jurisdiction related to flood control and the provision of flood control and stormwater protection services.
- B. ACWD shall retain all functions and services currently exercised by it, pursuant to Water Code Section 30000, et. seq., uncodified Water Code Chapter 1942, Statutes of 1961, and the ACWD Groundwater Protection Act, and ACWD Ordinance No. 2010-01 governing wells, exploratory holes, and other excavations, and agreements with the cities to oversee Leaking Underground Fuel Tank and Spills, Leaks, Investigation, and Cleanup sites.
- C. ACWD shall retain all responsibilities and jurisdiction over groundwater and groundwater protection activities.
- D. ZONE 7 shall not provide water service; potable or non-potable, retail or wholesale.
- E. ACWD and ZONE 7 shall, as local agencies affected by the annexation of territory to ACWD, negotiate with each other and with any other affected agencies to come to agreement as to the exchange of Ad Valorem property tax revenues attributable to the territory subject to the jurisdictional change. This negotiation and agreement shall be subject to applicable provisions of the Revenue and Taxation Code in effect at the time of the jurisdictional change.

- F. ACWD shall be entitled to, and ZONE 7 shall forfeit entitlement to, collection of property tax override (voter approved debt service) revenue going forward from the time when ACWD's water service boundary is extended into the area of OVERLAP. However, neither ACWD nor ZONE 7 will incur any net gain or loss of override revenue due to this Agreement since total revenue to be collected for each agency is fixed independently.

6. If the area of OVERLAP expands or contracts from that shown in Exhibit A due to changes in ACWD's SOI, ZONE 7's jurisdictional boundary/SOI, or for any other reason, this Agreement shall remain in full force and effect and shall apply to the actual area of overlap between the ACWD SOI and ZONE 7 jurisdictional boundary/SOI provided the area of OVERLAP is within the Fremont and/or Union City limits and neither Party objects to the change.

7. This Agreement may be terminated or modified at any time upon the express written consent of the governing boards of both Parties.

8. This Agreement is binding on and inures to the benefit of the successors, assigns and legal representatives of the Parties.

9. If either Party institutes legal proceedings to enforce the terms of this Agreement or to determine the rights of the Parties under this Agreement, the prevailing party shall recover, in addition to all court costs, reasonable attorneys' fees.

10. Notice under this Agreement may be given by personal delivery or by US mail, first class postage paid, addressed as follows:

If to ACWD: General Manager
 Alameda County Water District
 43885 S. Grimmer Boulevard
 Fremont, California 94538

If to ZONE 7: General Manager
 Zone 7 Water Agency
 100 North Canyons Parkway
 Livermore, California 94551

IN WITNESS WHEREOF, the Parties hereto have caused these present to be executed in duplicate the day and year first above written.

ALAMEDA COUNTY WATER DISTRICT:

By _____
Walter L. Wadlow, General Manager

ZONE 7 WATER AGENCY:

By _____
G.F. Duerig, General Manager

On _____, 2012 before me, _____, 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.

WITNESS my hand and official seal.

STATE OF CALIFORNIA)
)
COUNTY OF ALAMEDA)

On _____, 2012 before me, _____, 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.

WITNESS my hand and official seal.

Signature of Notary Public (Notary Seal)

EXHIBIT A AREA OF OVERLAP BETWEEN ACWD SPHERE OF INFLUENCE AND ZONE 7 BOUNDARY

LEGEND

- 0 1,000 2,000 Feet
- ACWD SOI/Zone 7 Boundary
Overlap Area (2731 Acres)
 - Zone 7 Boundary/SOI
 - ACWD Boundary
 - ACWD SOI
 - Parcel Lines
 - Streets

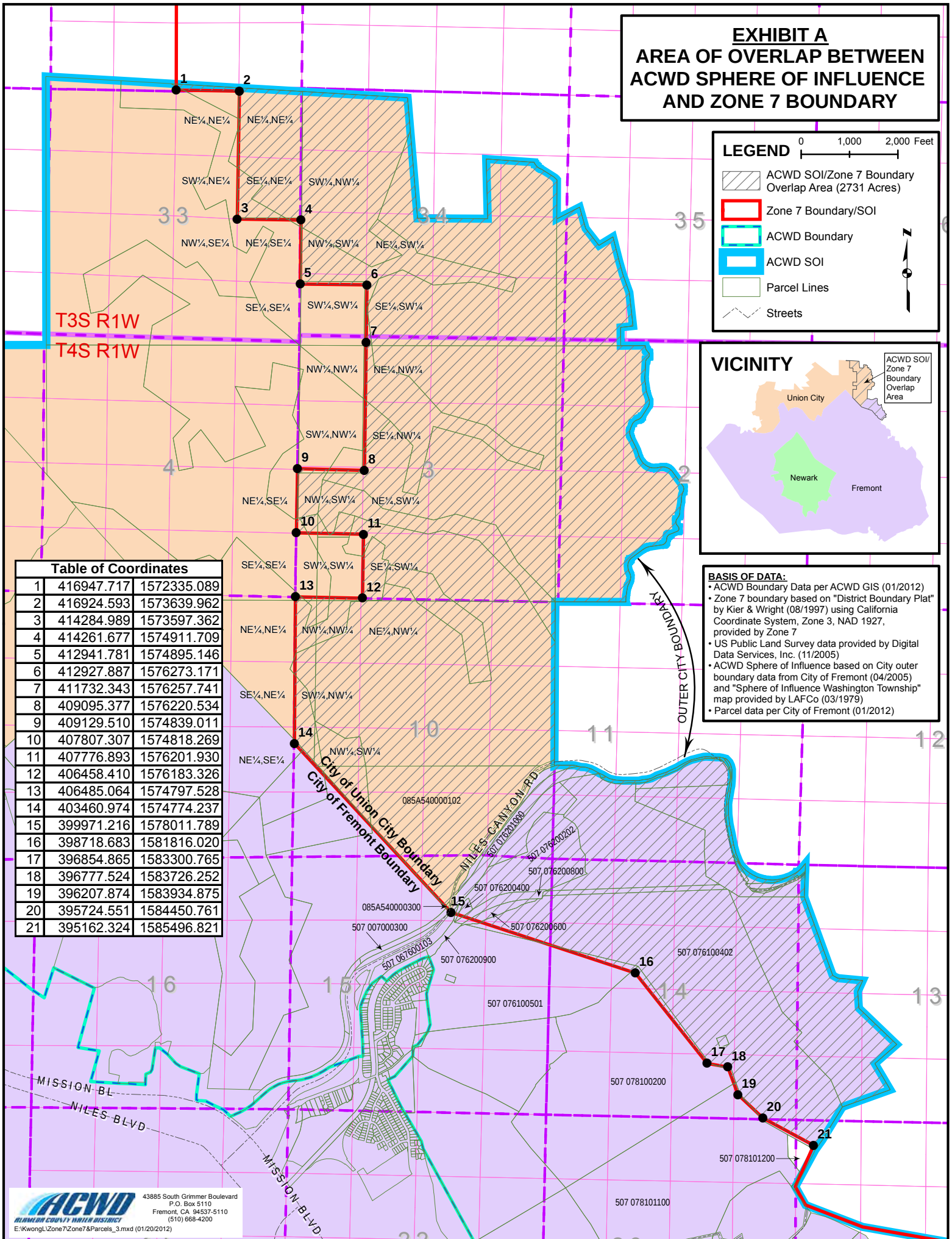
VICINITY



BASIS OF DATA:

- ACWD Boundary Data per ACWD GIS (01/2012)
- Zone 7 boundary based on "District Boundary Plat" by Kier & Wright (08/1997) using California Coordinate System, Zone 3, NAD 1927, provided by Zone 7
- US Public Land Survey data provided by Digital Data Services, Inc. (11/2005)
- ACWD Sphere of Influence based on City outer boundary data from City of Fremont (04/2005) and "Sphere of Influence Washington Township" map provided by LAFCo (03/1979)
- Parcel data per City of Fremont (01/2012)

Table of Coordinates		
1	416947.717	1572335.089
2	416924.593	1573639.962
3	414284.989	1573597.362
4	414261.677	1574911.709
5	412941.781	1574895.146
6	412927.887	1576273.171
7	411732.343	1576257.741
8	409095.377	1576220.534
9	409129.510	1574839.011
10	407807.307	1574818.269
11	407776.893	1576201.930
12	406458.410	1576183.326
13	406485.064	1574797.528
14	403460.974	1574774.237
15	399971.216	1578011.789
16	398718.683	1581816.020
17	396854.865	1583300.765
18	396777.524	1583726.252
19	396207.874	1583934.875
20	395724.551	1584450.761
21	395162.324	1585496.821





ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Engineering
CONTACT: Dennis Gambs/Jarnail Chahal

AGENDA DATE: March 21, 2012

ITEM NO. 5f

SUBJECT: Grant Easement to the City of Pleasanton for the Stoneridge Bridge Crossing over Arroyo Mocho and Accept Grant of Access Easements from the City of Pleasanton and CLC Development

SUMMARY:

- Alameda County Surplus Property Authority (ACSPA), in conjunction with the development of Staples Ranch, will be constructing a bridge over Zone 7's Arroyo Mocho channel to extend Stoneridge Drive into the Staples Ranch development in Pleasanton.
- As part of the bridge construction, the ACSPA will also be constructing access roads/ramps to the Arroyo Mocho Channel to mitigate the interruption to Zone 7 access caused by the construction of the bridge.
- The City of Pleasanton has requested an easement over the Arroyo Mocho from Zone 7 to construct and maintain the Bridge Structure.
- Easements over the new access roads/ramps will be granted to Zone 7 by the City of Pleasanton and a private developer and land owner within Staples Ranch, Continuing Life Communities Pleasanton, LLC (CLC Development) to assure the continued access to the Arroyo Mocho by Zone 7 for flood control purposes.

FUNDING:

Zone 7 will receive a nominal fee of \$5,000 for the granting of the easement which will credit Fund 50 – General Fund/Flood Control.

RECOMMENDED ACTION:

Adopt attached resolutions:

1. Authorizing the General Manager to accept and record the Grant of Access Easements from the City of Pleasanton;
2. Authorizing the General Manager to accept and record the Grant of Easement from CLC Development;
3. Recommending and requesting that the Board of Supervisors of the Alameda County Flood Control and Water Conservation District grant an easement to the City of Pleasanton for the Stoneridge Bridge Crossing.

ATTACHMENTS:

1. Memo providing additional background and discussion
2. Resolutions
3. Vicinity and Easement Location Maps
4. Grant of Easements w/Map Nos. RF-10110, 10115, 10116 & 10117

INTEROFFICE MEMO

Date: March 21, 2012
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Grant Easement to the City of Pleasanton for the Stoneridge Bridge Crossing over Arroyo Mocho and Accept Grant of Access Easements from the City of Pleasanton and CLC Development

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

BACKGROUND:

Alameda County Surplus Property Authority (ACSPA), in conjunction with the development of Staples Ranch, will be constructing a bridge over the Arroyo Mocho to extend Stoneridge Drive into the Staples Ranch development. The extension will be from its present terminus at Trevor Parkway easterly to El Charro Road. In addition, as part of the bridge construction, the ACSPA will be constructing access roads/ramps to the Arroyo Mocho Channel to mitigate the interruption to Zone 7's access that the construction of the bridge will cause.

DISCUSSION:

The City of Pleasanton has requested an easement from Zone 7 over the Arroyo Mocho to construct and maintain the Bridge Structure. The easement set forth construction, access and maintenance responsibilities for the Stoneridge Drive Bridge and the access roads/ramps traversing to and under the bridge. As part of the Grant of Easement to the City, the City is agreeing to maintain the bridge and the Arroyo Mocho Channel beneath it as well as the area 50 feet east and west of the bridge structure. This maintenance by the City is to mitigate the channel's increased vulnerability to scouring and decrease in maintenance accessibility that result from the construction of the bridge. In addition, easements for the new access roads/ramps will be granted to Zone 7 by the City of Pleasanton and Continuing Life Communities Pleasanton, LLC (CLC Development) to assure the continued access to the Arroyo Mocho for flood control purposes.

Zone 7 staff has determined that, given the City's agreement to maintain a portion of the channel, the granting of the easement to the City of Pleasanton will not conflict or interfere with the use of the channel property by Zone 7 for flood control purposes. An appraisal by Associated Right of Way Services for the bridge easement recommended \$5,000 as the nominal value of the easement.

The legal title to the property vests with the Alameda County Flood Control and Water Conservation District. As the legal owner of the property over which the easement is to be granted, the Board of Supervisors of the Alameda County Flood Control and Water Conservation District is required to approve the grant of easement to the City of Pleasanton. To that end, the Zone 7 Board of Directors would request and authorize the District Board to approve the proposed grant of easement.

RECOMMENDATION:

Staff recommends that the Board of Directors:

- 1) Grant the bridge easement for the Stoneridge Bridge crossing to the City of Pleasanton for \$5,000,
- 2) Accept the easements from the City of Pleasanton (at no costs to Zone 7)
- 3) Accept the access easement from CLC Development (at no costs to Zone 7)

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

Grant Easement to the City of Pleasanton for Stoneridge Bridge

WHEREAS, Alameda County Flood Control and Water Conservation District, Zone 7 is the owner of the real property known as Arroyo Mocho (Line G) consisting of a trapezoidal earthen channel serving flood control purposes; and

WHEREAS, in connection with the development of Staples Ranch, the City of Pleasanton has requested an easement for a bridge crossing over the Arroyo Mocho in the City of Pleasanton on the lands designated and described in Exhibit A (No. 70156).

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 find and determine that the granting of said easement is in the public interest and will not substantially conflict nor interfere with the use of said property by Zone 7 for flood control purposes; 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 request and recommend that the Board of Supervisors of Alameda County Flood Control and Water Conservation District approve granting said easement and does authorize the President of the Board of Supervisors to execute same.

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

March 21, 2012

By _____
President, Board of Directors

Line G
No. 70156
Map: RF 10117

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

**Accept and Record Easement from Continuing Life Communities Pleasanton LLC
for Access Purposes on the Arroyo Mocho**

WHEREAS, Continuing Life Communities Pleasanton, LLC (CLC Development) is granting an easement to Alameda County Flood Control and Water Conservation District, Zone 7 for access on the lands designated and described in Exhibit A (No. 70155).

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

March 21, 2012

By _____
President, Board of Directors

Line G
No. 70155
Map: RF-10116

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

**Accept and Record Easements from City of Pleasanton
for Access Purposes on the Arroyo Mocho**

WHEREAS, the City of Pleasanton is granting easements to Alameda County Flood Control and Water Conservation District, Zone 7 for access purposes on the lands designated and described in Exhibit A's (Nos. 70149 & 70154).

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on

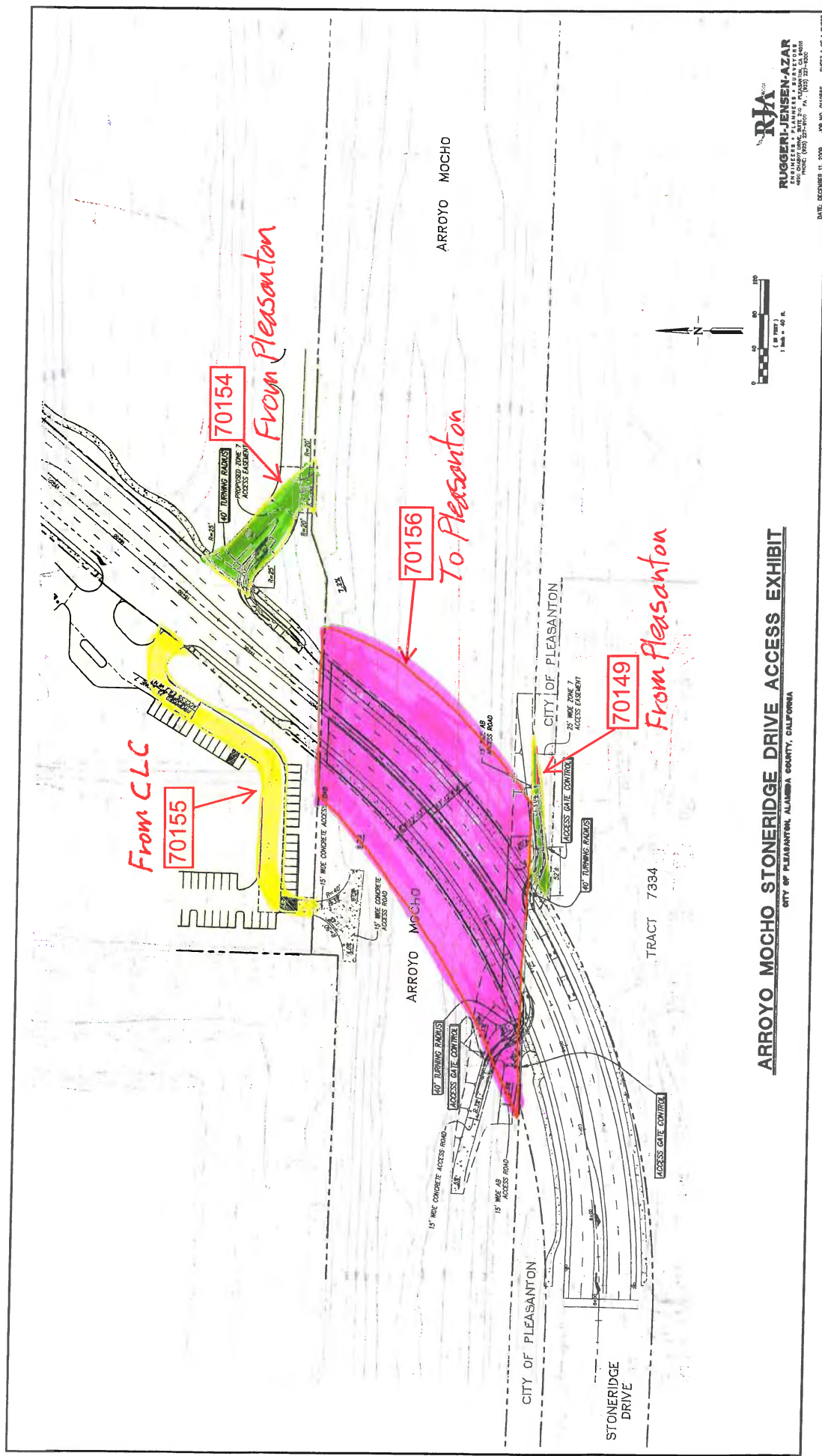
March 21, 2012

By _____
President, Board of Directors

Line G
Nos. 70149 & 70154
Map: RF-10110 & 10115



	ZONE 7 WATER AGENCY 100 North Canyons Parkway Livermore, CA	DRAWN: BW		SCALE: AS SHOWN		Stoneridge Bridge Crossing Arroyo Mocho Vicinity Map
		REVIEWED: BW		DATE: 3/5/2012		
		File:		FIGURE #		



Recording requested by
and after recording return to:

Zone 7 Water Agency
100 N. Canyons Parkway
Livermore, CA 94551
Attn: Real Property Services

Exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Rev. and Tax. Code §11922).

GRANT OF ACCESS EASEMENT

The City of Pleasanton, a municipal corporation ("Grantor"), grants to the Alameda County Flood Control and Water Conservation District, Zone 7, a body corporate and politic ("Grantee") for public purposes, a non-exclusive access easement across the real property described in the attached Exhibit A incorporated herein by reference.

Said access easement is granted upon the following conditions:

1. The easement is for access purposes for Grantee and its agents to access the Arroyo Mocho for purposes related to flood control, water management and watershed protection.
2. There is no charge for the easement being conveyed. The easement is conveyed in consideration of the faithful performance of the terms of this easement by the Grantee.
3. Grantee shall be responsible and liable for any damage to Grantor's property arising out of Grantee's use of this easement. Grantee shall on demand repair any such damage, failing which Grantor shall have the right to do so and Grantee shall pay Grantor the cost thereof.
4. Grantee's recording and use of this easement constitutes acceptance of the conditions set forth herein and shall be binding upon the successors and assigns of the Grantor and Grantee.

This Grant of Access Easement is executed this 21st day of February, 2012.

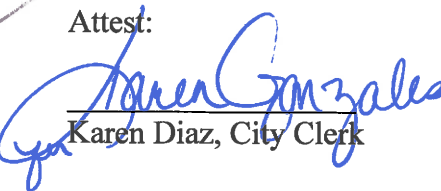
GRANTOR:

CITY OF PLEASANTON



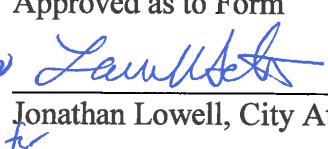
Nelson Fialho, City Manager

Attest:



Karen Diaz, City Clerk

Approved as to Form



Jonathan Lowell, City Attorney

Line G
Map: RF-10110
No. 70149

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF ALAMEDA

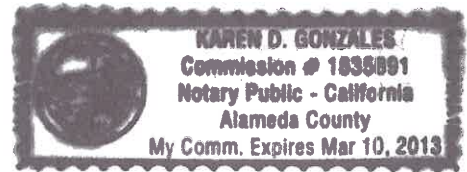
On March 5, 2012, before me, KAREN D. GONZALES, Notary Public, personally appeared NELSON FIALHO who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature

Karen D. Gonzales [Seal]



ILLEGIBLE NOTARY SEAL DECLARATION

(Government Code 27361.7)

I declare under penalty of perjury that the notary seal above on this document reads as follows:

NAME OF NOTARY PUBLIC KAREN D. GONZALES

COMMISSION NUMBER: 1835891

NOTARY PUBLIC STATE: CALIFORNIA

NOTARY PUBLIC COUNTY: ALAMEDA

MY COMMISSION EXPIRES: MARCH 10, 2013

SIGNATURE OF DECLARANT:

Karen D. Gonzales

PRINT NAME OF DECLARANT: Karen D. Gonzales

CITY & STATE OF EXECUTION: Pleasanton, California

DATE SIGNED: March 5, 2012

City of Pleasanton
Parcel B Tract 7008
City of Pleasanton
County of Alameda

Exhibit "A"
Legal Description
Access Easement

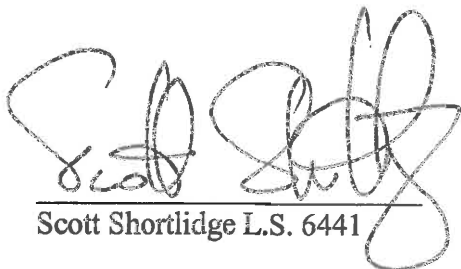
No. 70149

RF - 10110
APN 946-4589-113 (Portion)

Being a portion of Parcel B as said Parcel B is shown on the map entitled "Tract 7008" filed on November 23, 1998, in Book 242 of Maps at Page 15, Records of the County of Alameda, State of California.

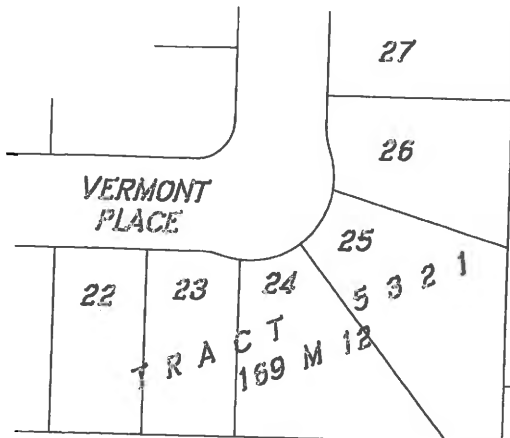
Beginning at the northwestern corner of said Parcel B; thence along the northern line of said Parcel B, South 88°38'45"East, 187.00 feet; thence leaving said northern line, South 81°34'52"W, 147.28 feet to the southern line of said Parcel B; thence along said southern line, North 88°38'45"West, 80.00 feet to the northwestern line of said Parcel B, said point being on a non-tangent curve to the left having a radial which bears South 30°28'33" East, a radius of 924.00 feet, a delta of 02°49'41"; thence leaving last said line, northeasterly along said northwestern line and said curve an arc length of 45.61 feet to the **Point of Beginning**.

Containing: 3,329 Sq. Ft. ±


Scott Shortlidge L.S. 6441



1-30-2012
Date



STAPLES RANCH
TRACT 8020
313 M 53

ACFC & WCD
2004272273

ACFC & WCD 2004272272

ACFC & WCD
REEL 3912 IMAGE 53

ACFC & WCD
REEL 3862 IMAGE 226

ACFC & WCD
REEL 4204 IMAGE 404

STONERIDGE DRIVE

R=924.00'
Δ=02°49'41"
L=45.61'

P.O.B.
N33°18'14"W(R)

AREA =
3,329 SQ.FT.

S88°38'45"E 187.00'

PARCEL C

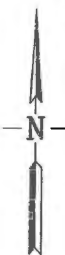
PARCEL B

S81°34'52"W
147.28' 1008

TRACT
242 M 15



(IN FEET)
1 inch = 100 ft.



LEGEND

P.O.B. POINT OF BEGINNING
ACFC & WCD ALAMEDA COUNTY FLOOD
CONTROL & WATER
CONSERVATION DISTRICT
(R) RADIAL BEARING
SQ.FT. SQUARE FEET

JOB NO: 011056S

G:\JOB2001\011056S\MAPPING\PLATS\ZONE 7 ACCESS ESMT.dwg

EXHIBIT "A"

PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR

ZONE 7 ACCESS EASEMENT

CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA

RJA

RUGGERI-JENSEN-AZAR

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

SCALE:
1"=100'

DATE:
9-30-11

RF-10110

Recording requested by
and after recording return to:

Zone 7 Water Agency
100 N. Canyons Parkway
Livermore, CA 94551
Attn: Real Property Services

Exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Rev. and Tax. Code §11922).

GRANT OF MAINTENANCE ACCESS EASEMENT

The City of Pleasanton, a municipal corporation ("Grantor"), grants to the Alameda County Flood Control and Water Conservation District, Zone 7, a body corporate and politic ("Grantee") for public purposes, a non-exclusive maintenance access easement across the real property described in the attached Exhibit A, incorporated herein by reference.

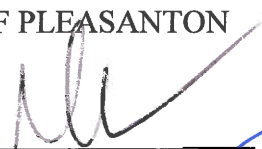
Said maintenance access easement is granted upon the following conditions:

1. The easement is for maintenance access for Grantee and its agents to access the Arroyo Mocho for purposes related to flood control, water management and watershed protection.
2. There is no charge for the easement being conveyed. The easement is conveyed in consideration of the faithful performance of the terms of this easement by the Grantee.
3. Grantee shall be responsible and liable for any damage to Grantor's property arising out of Grantee's use of this easement. Grantee shall on demand repair any such damage, failing which Grantor shall have the right to do so and Grantee shall pay Grantor the cost thereof.
4. Grantee's recording and use of this easement constitutes acceptance of the conditions set forth herein and shall be binding upon the successors and assigns of the Grantor and Grantee.

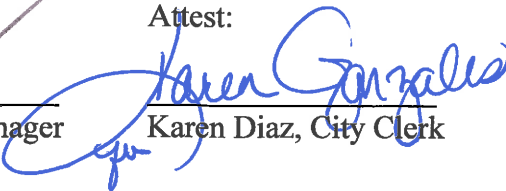
This Grant of Maintenance Access Easement is executed this 21st day of February, 2012.

GRANTOR:

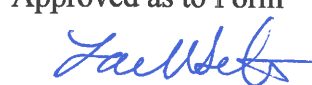
CITY OF PLEASANTON


Nelson Fialho, City Manager

Attest:


Karen Diaz, City Clerk

Approved as to Form


Jonathan Lowell, City Attorney

Line G
Map: RF-10115
No: 70154

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF ALAMEDA

On March 5, 2012, before me, KAREN D. GONZALES, Notary Public, personally appeared NELSON FIALHO who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

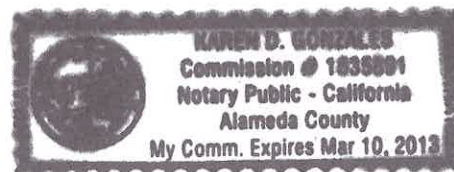
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Karen D. Gonzales

[Seal]



ILLEGIBLE NOTARY SEAL DECLARATION

(Government Code 27361.7)

I declare under penalty of perjury that the notary seal above on this document reads as follows:

NAME OF NOTARY PUBLIC: KAREN D. GONZALES

COMMISSION NUMBER: 1835891

NOTARY PUBLIC STATE: CALIFORNIA

NOTARY PUBLIC COUNTY: ALAMEDA

MY COMMISSION EXPIRES: MARCH 10, 2013

SIGNATURE OF DECLARANT:

Karen D. Gonzales

PRINT NAME OF DECLARANT:

Karen D. Gonzales

CITY & STATE OF EXECUTION:

Pleasanton, California

DATE SIGNED:

March 5, 2012

Lot 3 Tract 8020
City of Pleasanton
County of Alameda

Exhibit "A"
Legal Description
Maintenance Access Easement

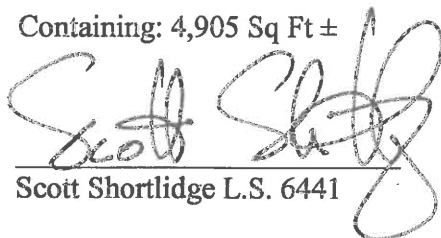
No. 70154

RF - 10115
APN 946-4623-3 (Portion)

Being a portion of Lot 3 as said Lot 3 is shown on the map entitled "Tract 8020" filed on August 11, 2011, in Book 313 at Page 53, Records of the County of Alameda, State of California.

Commencing at the southwestern corner of said Lot 3; thence along the northwestern line of said Lot 3, N18°07'55"E, 24.33 feet to a non-tangent curve to the left having a radial which bears South 37°39'27" East, a radius of 150.50 feet, a delta of 10°33'19"; thence northeasterly along said curve an arc length of 27.73 feet; thence North 41°47'14" East, 44.61 feet; thence North 38°17'01" East, 21.51 feet to the **Point of Beginning**; thence, North 38°17'01" East, 69.98 feet to a non-tangent curve to the left having a radial which bears North 63°42'38" West, having a radius of 25.00 feet, a delta of 74°30'08"; thence leaving said northeastern line, southwesterly, southerly and southeasterly, along said curve an arc length of 32.51 feet; thence South 48°12'46" East, 155.20 feet to the southern line of said Lot 3; thence along said southern line, North 88°38'45" West, 88.29 feet to a non-tangent curve to the left having a radial which bears South 10°24'46" East, a radius of 20.00 feet, a delta of 127°48'00"; thence leaving said southern line, northeasterly, northerly and northwesterly along said curve an arc length of 44.61 feet; thence North 48°12'46" West, 67.06 feet to a curve to the left having a radius of 25.00 feet, a delta of 93°30'13"; thence along said curve an arc length of 40.80 feet to the **Point of Beginning**.

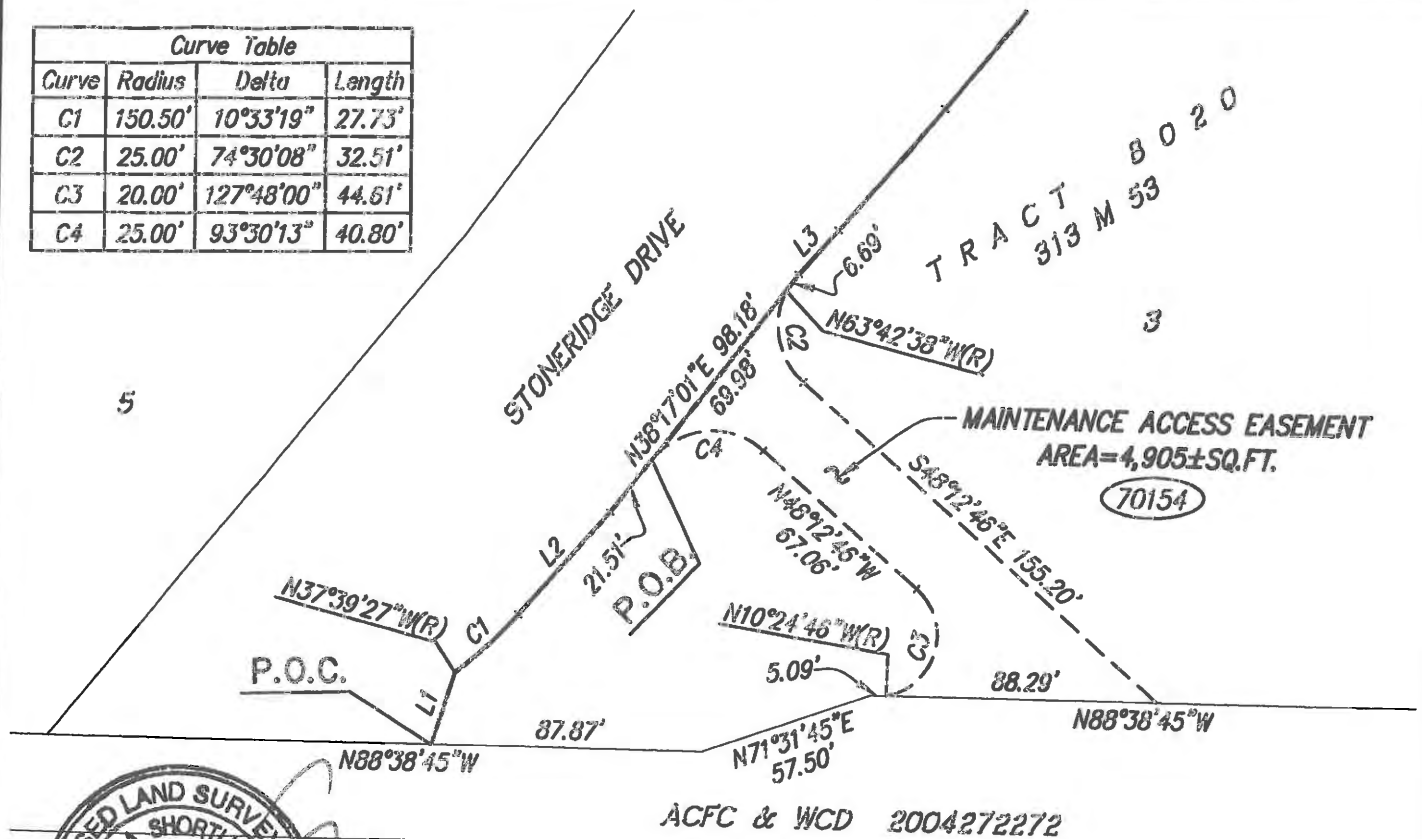
Containing: 4,905 Sq Ft ±


Scott Shortlidge L.S. 6441



1-30-2012
Date

Curve Table			
Curve	Radius	Delta	Length
C1	150.50'	10°33'19"	27.73'
C2	25.00'	74°30'08"	32.51'
C3	20.00'	127°48'00"	44.61'
C4	25.00'	93°30'13"	40.80'

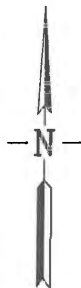


ACFC & WCD 2004272272

ACFC & WCD
REEL 3912 IMAGE 53

ACFC & WCD
REEL 4204 IMAGE 404

Line Table		
Line	Bearing	Distance
L1	N18°07'55"E	24.33'
L2	N41°47'14"E	44.61'
L3	N41°47'14"E	19.19'



(IN FEET)
1 inch = 60 ft.

LEGEND

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
ACFC & WCD ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
(R) RADIAL BEARING
SQ.FT. SQUARE FEET

JOB NO.: 011056S

G:\JOB2001\011056S\MAPPING\PLATS\ZONE 7 MAE 1013.dwg

EXHIBIT "A"
PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR
MAINTENANCE ACCESS EASEMENT
ALAMEDA COUNTY, CALIFORNIA

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

SCALE:
1"=60'

DATE:
01-30-12

RF-10115

EXHIBIT "A"

Legal Description of a parcel of land situate in the City of Pleasanton, County of Alameda, State of California and being portions of four parcels land conveyed to the Alameda County Flood Control and Water Conversation District by Deed recorded in Reel 3862 – Image 226, Reel 3912 – Image 53, Reel 4204 – Image 404, and Document No. 2004-272272 Official Records of said County; said parcel being more particularly described as follows:

Beginning at the southwest corner of Parcel 3 as created by that subdivision map entitled "Tract 8020 – Staples Ranch" and filed for record on August 11, 2011 in Book 313 of Maps at Pages 53 thru 63 of County Official Records, same corner being on the north line of the above mentioned ACFC&WCD parcel (2004-272272); **Thence** along the common line between Parcel 3 and ACFC&WCD parcel (2004-272272), South 88° 38' 45" East – 59.33 feet; **Thence** across the said ACFC&WCD parcels for the following two (2) courses: (1) South 39° 49' 18" West – 129.34 feet for the beginning of a curve to the right, and (2) in a southwesterly direction 206.01 feet along the arc of said curve to the right, having a radius of 911.50 feet and through a central angle of 12° 56' 58" to a point on the south line of the said ACFC&WCD parcel (Reel 4204 – Image 404); **Thence** along said south line, North 88° 38' 45" West – 455.00 feet for the beginning of a curve to the left, from which point the center bears North 07° 41' 34" West; **Thence** across the said ACFC&WCD parcels in a northeasterly direction 513.12 feet along the arc of said curve to the left, having a radius of 721.50 feet and through a central angle of 40° 44' 53" to a point on the north line of said ACFC&WCD parcel (2004-272272); **Thence** along said north line, South 88° 38' 45" East – 183.76 feet to the **Point of Beginning**.

Containing 1.68 acres (73,220 Square Feet) of Land Area, more or less.

Prepared by:

Scott A. Shortlidge – LS 6441



Date

1-17-2012

Recording requested by
and after recording return to:

Zone 7 Water Agency
100 N. Canyons Parkway
Livermore, CA 94551
Attn: Real Property Services

Recording requested pursuant to
Government Code §§ 27383 & 6103

GRANT OF MAINTENANCE ACCESS EASEMENT

Continuing Life Communities Pleasanton, LLC, a Delaware limited liability corporation ("Grantor"), grants to the Alameda County Flood Control and Water Conservation District, Zone 7, a body corporate and politic ("Grantee") for public purposes, a non-exclusive maintenance access easement across the real property described in the attached Exhibit A, incorporated herein by reference.

Said maintenance access easement is granted upon the following conditions:

1. The easement is for access purposes for Grantee and its agents to access the Arroyo Mocho for public maintenance purposes.
2. There is no charge for the easement being conveyed. The easement is conveyed in consideration of the faithful performance of the terms of this easement by the Grantee.
3. Grantee shall be responsible and liable for any damage to Grantor's property arising out of Grantee's use of this easement. Grantee shall on demand repair any such damage, failing which Grantor shall have the right to do so and Grantee shall pay Grantor the cost thereof.
4. Grantee's recording and use of this easement constitutes acceptance of the conditions set forth herein and shall be binding upon the successors and assigns of the Grantor and Grantee.

This Grant of Maintenance Access Easement is executed this 28th day of February 2012.

GRANTOR:

CONTINUING LIFE COMMUNITIES PLEASANTON, LLC
a Delaware limited liability corporation

By: R. Aschenbrenner
Richard D. Aschenbrenner
Chief Executive Officer

Line G
Map: FR-10116
No. 70155

STATE OF CALIFORNIA
COUNTY OF San Diego } ss:

On 2-28-12 before me, Ann Marie Ingmanson Notary Public,
(here insert name and title of the officer)
personally appeared Richard D. Aschenbrenner

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.

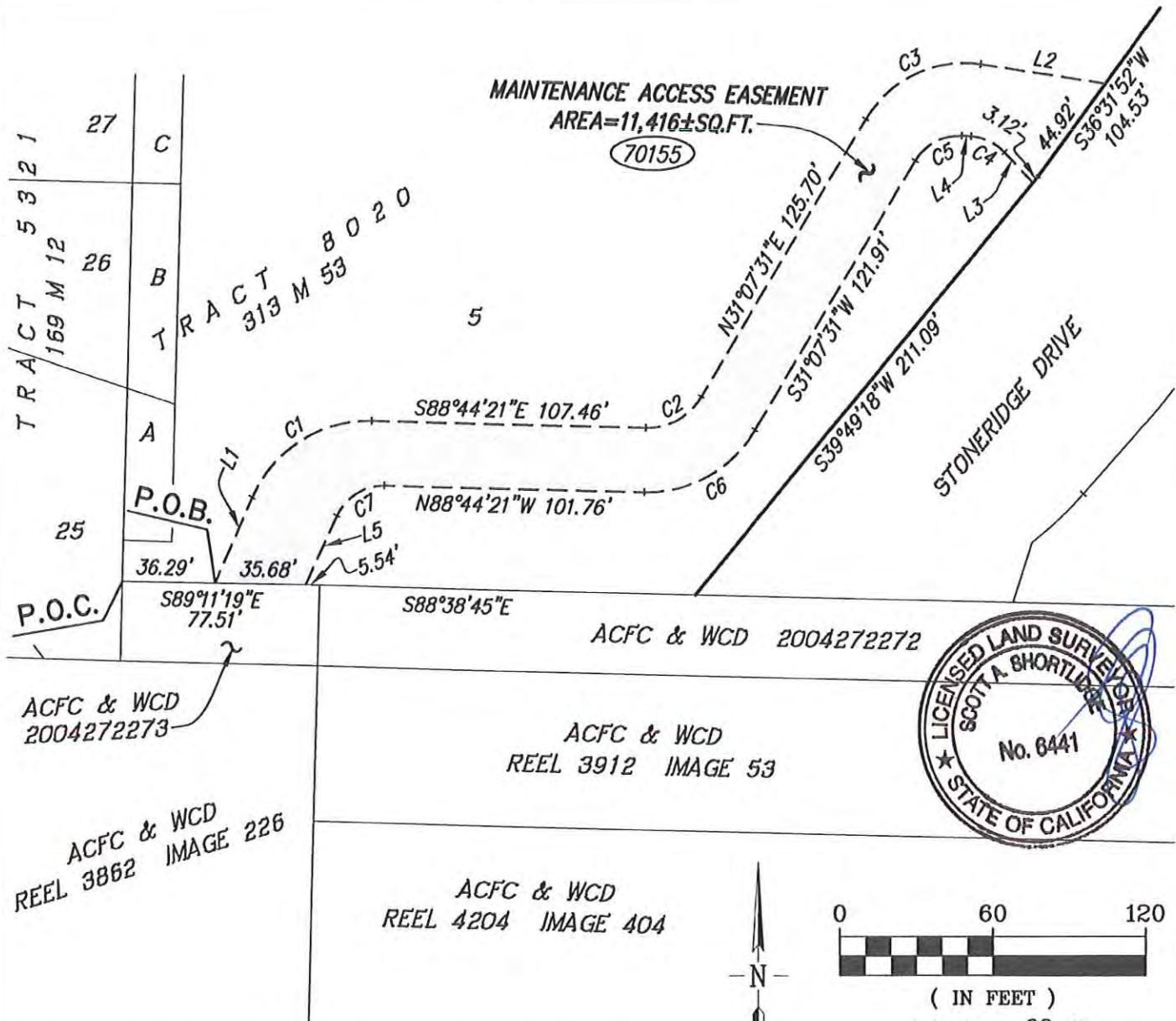
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Ann Marie Ingmanson

(This area for notary stamp)





Curve Table			
Curve	Radius	Delta	Length
C1	50.00'	67°36'54"	59.01'
C2	25.00'	60°08'08"	26.24'
C3	45.00'	67°27'22"	52.98'
C4	20.00'	42°49'58"	14.95'
C5	20.00'	62°18'10"	21.75'
C6	50.00'	60°08'08"	52.48'
C7	20.00'	66°39'55"	23.27'

Line Table		
Line	Bearing	Distance
L1	N23°38'45"E	36.17'
L2	S81°25'07"E	50.01'
L3	N43°44'21"W	16.36'
L4	N86°34'19"W	3.63'
L5	S24°35'44"W	29.45'

LEGEND

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
ACFC & WCD ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
SQ.FT. SQUARE FEET

JOB NO.: 011056S

G:\JOB2001\011056S\MAPPING\PLATS\ZONE 7 MAE lot5.dwg

EXHIBIT "A"
PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR
MAINTENANCE ACCESS EASEMENT
ALAMEDA COUNTY, CALIFORNIA

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

SCALE:
1"=60'

DATE:
01-31-12

RF-10116

Continuing Life Communities Pleasanton LLC
Lot 5 Tract 8020
City of Pleasanton
County of Alameda

Exhibit "A"
Legal Description
Maintenance Access Easement

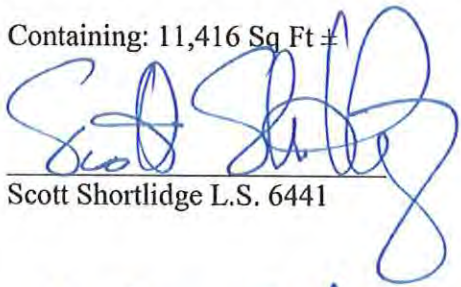
No. 70155

RF - 10116
APN 946-4623-6 (Portion)

Being a portion of Lot 5 as said Lot 5 is shown on the map entitled "Tract 8020" filed on August 11, 2011, in Book 313 at Page 53, Records of the County of Alameda, State of California.

Commencing at the southwestern corner of said Lot 5; thence along the southern line of said Lot 5, S89°11'19"E, 36.29 feet to the **Point of Beginning**; thence leaving said southern line, North 23°38'45"East, 36.17 feet to a curve to the right having a radius of 50.00 feet, a delta of 67°36'54"; thence along said curve an arc length of 59.01 feet; thence South 88°44'21"East, 107.46 feet to a curve to the left having a radius of 25.00 feet, a delta of 60°08'08"; thence along said curve an arc length of 26.24 feet; thence North 31°07'31"East, 125.70 feet to a curve to the right having a radius of 45.00 feet, a delta of 67°27'22"; thence along said curve an arc length of 52.98 feet; thence South 81°25'07"East, 50.01 feet to the southeastern line of said Lot 5; thence along said southeastern line, S36°31'52"W, 44.92 feet; thence, S39°49'18"W, 3.12 feet; thence leaving said southeastern line, North 43°44'21"West, 16.36 feet to a curve to the left having a radius of 20.00 feet, a delta of 42°49'58"; thence along said curve an arc length of 14.95 feet; thence North 86°34'19"West, 3.63 feet to a curve to the left having a radius of 20.00 feet, a delta of 62°18'10"; thence along said curve an arc length of 21.75 feet; thence South 31°07'31"West, 121.91 feet to a curve to the right having a radius of 50.00 feet, a delta of 60°08'08"; thence along said curve an arc length of 52.48 feet; thence North 88°44'21"West, 101.76 feet to a curve to the left having a radius of 20.00 feet, a delta of 66°39'55"; thence along said curve an arc length of 23.27 feet; thence South 24°35'44"West, 29.45 feet to said southern line; thence along said southern line, North 89°11'19"West, 35.68 feet to the **Point of Beginning**.

Containing: 11,416 Sq Ft ±


Scott Shortlidge L.S. 6441



1-30-2012
Date

RECORDING REQUESTED BY:
CITY OF PLEASANTON

When Recorded, Return to:
Office of the City Clerk
City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566

Recording requested pursuant to
Government Code §§ 27383 & 6103

APN's: 946-1128-8-1 (por.), 946-1128-7-1 (por.), 946-1128-3-5 (por.), 946-1128-3-8 (por.)

GRANT OF EASEMENT

(STONERIDGE DRIVE BRIDGE - ARROYO MOCHO CHANNEL)

THIS GRANT OF EASEMENT ("GRANT"), dated, _____ 2012, is made and entered into by and between the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, a body corporate and politic ("Zone 7"), and the CITY OF PLEASANTON, a municipal corporation ("City").

RECITALS

- A.** Zone 7 owns, in fee, and maintains that certain real property in the County of Alameda, City of Pleasanton commonly known as the Arroyo Mocho Channel, ("Channel").
- B.** City has plans to extend Stoneridge Drive to El Charro Road and City needs to construct two new bridges along with utilities across the Channel ("Bridge").
- C.** The plans prepared for the Bridge; submitted to Zone 7 on June 24, 2011 and approved by Zone 7 on July 8, 2011 (Approved Plans), do not include slope protection for the areas made vulnerable to scouring from flows, or allow direct access to all areas in and around the proposed Bridge.
- D.** City intends to maintain the Channel under the Bridge, including the areas as well as 50 feet upstream and 50 feet downstream of the Bridge.
- E.** City intends to have roads constructed providing Zone 7 access to the Channel to mitigate the interruption of access caused by the Bridge and to grant, or cause to be granted to Zone 7, access easements for the rights to use these roads.
- F.** City requires a perpetual non-exclusive easement over the Channel for the Bridge.
- G.** Zone 7 desires to grant an easement to City for those purposes subject to the terms and conditions of this Grant.

NOW, THEREFORE, City and Zone 7 in consideration of the above recitals of fact, and the mutual covenants and obligations hereunder, the parties, for themselves and their successors and assigns, hereby agree as follows:

AGREEMENT

1. Grant of Easement: Zone 7 hereby grants to City a non-exclusive easement for purposes of the construction, operation, use, maintenance, repair, alteration, removal and replacement of the Bridge Improvements as well as maintenance and repair of the Channel, under, upon, across and through all that certain real property in the City of Pleasanton, County of Alameda, State of California, described and depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter the “Easement Area”):

1.1 As used herein, the term “Bridge Improvements” shall mean and refer to two permanent concrete bridges situated upon and over the Channel, and all roadways, piers, abutments, railings, approaches and other equipment, components, facilities, and improvements related thereto as well as the installation, maintenance, use, improvement, replacement and repair of utilities, including but not limited to sanitary sewer, storm drain, water, recycled water, and gas conduits and pipelines, electrical, telephone, cable television and other communications lines and cable, and other utilities and for street lighting and street signalization.

1.2 If revisions are made to the Approved Plans for the Bridge Improvements, City shall submit the revised plans and specifications to Zone 7 for review and written approval. Written approval will be given if Zone 7 determines that the revised Bridge Improvements would not substantially conflict or interfere with the use of the Channel area for flood control purposes. Revisions that may not be acceptable include Bridge Improvements that adversely impact HEC-RAS hydraulic modeling Scour Analysis, Bridge height clearances, or access roads.

1.3 City’s contractor shall obtain an encroachment permit from Zone 7 prior to commencing construction of the Bridge Improvements. The encroachment permit will be issued at no cost to the City within three (3) working days, if possible, provided no major revisions to the Approved Plans have been made and the Contractor has submitted a work plan and schedule, proof of insurance, and final plans which identify the of limits of work and construction laydown areas.

1.4 City shall have the non-exclusive right of ingress to and egress from the Easement Area hereinabove described for the purpose aforesaid by way of such roads or passageways as may now or hereinafter exist on Zone 7’s property. The granting of such access rights shall be contingent upon City not interfering with the primary use of the property for flood control purposes.

1.5 After completion of the Bridge Improvements, City shall obtain an encroachment permit from Zone 7 prior to making any major additions or modifications or reconstruction of the Bridge Improvements upon the property of Zone 7 as well as any associated Channel maintenance activities. City shall provide plans for review and approval prior to making any major additions or modifications or reconstruction of said Bridge. Zone 7 shall, upon review and approval of plans, issue said permit within three (3) working days, if possible, at no cost to City.

1.6 City agrees that upon the completion of any of its work within Zone 7's property, to restore Zone 7's property to the condition in which it was prior to the commencement of said work or as acceptable to Zone 7. City shall, at City's sole cost, promptly repair any damage to Zone 7's real and personal property, arising out of or in connection with City's construction, operation, maintenance, replacement, repair or removal of the Bridge Improvements as well as any associated Channel maintenance activities. In the event after written notice is provided by Zone 7, the City fails, is unable or refuses to maintain or repair its Bridge Improvements or Channel within the Easement Area, or to otherwise take action(s) necessary to protect Zone 7's real and personal property from damage, Zone 7 shall have the option to perform any necessary work to protect its property from damage or to maintain, repair, alter or replace Zone 7's property damaged due to City's lack of or failure to maintain or repair its Bridge or to take action to protect Zone 7's property. City shall be responsible for any costs incurred by Zone 7 in connection therewith and shall promptly reimburse Zone 7 upon receipt of written invoice.

2. Maintenance Responsibilities:

2.1 Bridge: The City, at its cost, shall be solely responsible for the maintenance and repair of the Bridge Improvements including those which are a result of any damages from storm flows, slides and other causes.

2.2 Channel Area: City, at its cost, shall be responsible for periodic inspection of the Channel and the prompt removal of litter, fallen trees, vegetation and debris that may obstruct the flow of water or lead to scouring or erosion of the Channel within the Easement Area, excepting the desilting of the channel.

2.3 Channel Slopes: City shall further be responsible for maintaining or repairing the channel slopes and any roadways damaged from Channel scouring or erosion within the Easement Area. Such maintenance and repairs shall include the responsibility to obtain any regulatory approvals and comply with all applicable permits issued including: US Army Corps of Engineers, State Water Resources Control Board and California Department of Fish and Game.

3. Reserved Rights of Zone 7:

3.1 Zone 7 reserves the right to convey easement rights to others so long as such easement(s) do not conflict or interfere with City's Easement rights herein conveyed, but prior to making such a conveyance, Zone 7 will provide written notice to City.

3.2 Zone 7 reserves the right to use the roads constructed by the City within the Easement Area to provide Zone 7, its agents and contractors access to the Channel and all other Zone 7 property.

4. Indemnification: City shall defend, indemnify and hold harmless Zone 7, its officers, directors, employees, agents and contractors (collectively, "Zone 7 Indemnitees") from and against any and all claims, liabilities, damages, losses, costs and expenses, including reasonable attorneys' fees (collectively, "Claims") to the extent arising out of or resulting from the negligent or willful misconduct of City or any breach by City of its obligations under this Grant.

5. Notices: All notices and other communications under this Grant shall be in writing and shall be deemed duly given: (a) when delivered if personally delivered to the recipient; (b) when transmitted by telecopier or facsimile device during normal business hours, provided such device is capable of generating a written confirmation of such transmission and receipt and an original is deposited in first class mail within two (2) business days thereafter addressed as set forth below; (c) on the first business day following delivery to an overnight delivery service, provided delivery is confirmed by the delivery service; and (d) on the earlier of actual receipt or three (3) days following deposit in United States registered or certified mail, postage prepaid and return receipt requested, addressed to the parties as set forth below. Any party may change its address for notices by giving written notice to the other parties in the manner set forth above:

If to Zone 7: General Manager
Zone 7 Water Agency
Tel. (925) 454-5000
Fax. (925) 454-5724

If to City: City Manager
City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566
Tel.: (925) 931-5002
Fax: (925) 931-5482

6. The parties acknowledge and agree that the above persons, or their authorized designees, have the right, power and authority to authorize the recording of this Grant in the Alameda County Recorder's Office. Each party shall provide to the other parties the name and telephone numbers (office and mobile) of such party's representative designated to receive telephonic notice of emergencies 24 hours a day, seven days a week.

7. Term of Grant and Easement: The term shall commence on the date this Grant is recorded in the Alameda County Recorder's Office and shall be perpetual unless earlier terminated by mutual written agreement of the parties.

8. General Provisions:

8.1 Entire Grant; Amendment: Except as expressly provided herein, this Grant, including all recitals, exhibits and schedules hereto, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior or contemporaneous understandings, negotiations, representations, promises and agreements, oral or written, by or between the parties, with respect to the subject matter hereof. This Grant may be amended, modified or supplemented only by a writing signed by all parties.

8.2 Interpretation: Section headings in this Grant are for convenience of reference only and shall not affect the meaning or interpretation of any provision of this Grant. As used herein: (i) the singular shall include the plural (and vice versa) and the masculine or neuter gender shall include the feminine gender (and vice versa) where the context so requires; (ii) locative adverbs such as "herein," "hereto," "hereof," and "hereunder" shall refer to this Grant in its entirety and not to any specific section or paragraph; (iii) the terms "include," "including," and similar terms shall be construed as though followed immediately by the phrase "but not limited to;" and (iv) "shall" is mandatory and "may" is permissive. The parties have jointly participated in the negotiation and drafting of this Grant, and this Grant shall be construed fairly and equally as to the parties, without regard to any rules of construction relating to the party who drafted a particular provision of this Grant.

8.3 Governing Law: This Grant shall be governed by and construed in accordance with the laws of the State of California.

8.4 Attorneys' Fees: The prevailing party in any action or proceeding to enforce or interpret, or otherwise arising out of or relating to, this Grant or any provision thereof (including but not limited to any arbitration, trial, administrative hearing, bankruptcy or appeal) shall be entitled to recover from the other party(ies) all of its costs and expenses, including but not limited to reasonable attorneys' fees and experts' fees.

8.5 Default and Remedies: If any party defaults in the performance of any of its obligations under this Grant and such default is not cured within thirty (30) days after written notice from another party of such default or, if the nature of such default requires more than thirty (30) days to cure, within such additional period as may be required provided the defaulting party commences such cure within such thirty (30) day period and thereafter diligently completes such cure, then the non-defaulting party shall have the right, in addition to any other rights and remedies at law or in equity, to perform such obligation on behalf and at the cost of the defaulting party. Notwithstanding any provision herein to the contrary, in the event of any default, no party shall have the right to cancel, rescind or otherwise terminate this Grant in whole or in part. This Grant may be cancelled, rescinded or terminated only upon the mutual written agreement of all parties.

8.6 Excusable Delay: A delay in the performance by any party of any obligation under this Grant shall not be deemed to be a breach of this Grant by such party where such delay is due to strikes, lockouts, labor disputes, acts of God, terrorism, inability to obtain labor or materials, governmental regulations or controls (provided such regulations or controls are not enacted or imposed by the party claiming a right to delay), fire or casualty, acts or omissions by another party or its agents, or other causes beyond the reasonable control of such party (“excusable delay”). An extension of time for such performance, attributable to any such excusable delay, shall be granted for the period of such excusable delay and shall commence to run from the time of commencement thereof, if notice by the party claiming such extension is provided to the other parties within ten (10) days after the commencement of the excusable delay.

8.7 Waiver: No waiver of any provision of this Grant shall be binding unless executed in writing by the party making the waiver. No waiver of any provision of this Grant shall be deemed to constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver unless the written waiver so specifies.

8.8 Severability: If any term or provision of this Grant is ever determined to be invalid or unenforceable for any reason, such term or provision shall be severed from this Grant without affecting the validity or enforceability of the remainder of this Grant.

8.9 Time: Time is of the essence of this Grant. All references in this Grant to “days” shall mean calendar days unless expressly referred to as “business days.” If the day for performance of any obligation under this Grant is a Saturday, Sunday or legal holiday, then the time for performance of that obligation shall be extended to the first following day that is not a Saturday, Sunday or legal holiday (excepting emergency situations).

8.10 Counterparts; Facsimile Signatures: This Grant may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. The parties shall be entitled to rely upon facsimile copies of signatures to this Grant and to any instruments executed by the parties pursuant to this Grant.

8.11 Estoppel Certificates: Upon the request of any party from time to time, the other parties shall each provide to the requesting party an estoppel certificate containing: (i) a certification that (a) this Grant has not been modified or, if modified, specifying the nature of such modification; (b) no party is in default under this Grant or, if any party is in default under this Grant, specifying the nature of such default; and (c) this Grant, as modified, is in full force and effect; and (ii) any other information reasonably requested by the requesting party.

8.12 No Joint Venture: This Grant shall not be deemed under any circumstances to create any joint venture or partnership between the parties or to render the parties joint ventures or partners.

8.13 No Third Party Beneficiaries: This Grant, and each provision thereof, is intended solely for the mutual benefit of the parties and their respective successors and assigns, and is not intended for the benefit of any third party.

IN WITNESS WHEREOF, Zone 7 and City have executed this Grant as of the dates set forth below.

ZONE 7:

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT,
ZONE 7

By: _____
G. F. Duerig, General Manager

Date: _____

Line G
No. 70156
RF – 10117

CITY OF PLEASANTON:

CITY OF PLEASANTON, a
municipal corporation

By: _____
Nelson Fialho, City Manager

Date: _____

Attest:

By: _____
Karen Diaz, City Clerk

Approved as to Form:

By: _____
Jonathan Lowell,
City Attorney



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: Carol Mahoney/Robyn Navarra

AGENDA DATE: March 21, 2012

ITEM NO. **5g**

SUBJECT: Award of Contract to Southwest Environmental for Direct Install High-Efficiency Toilet and Urinal Program

SUMMARY:

- As a signatory to the California Urban Water Conservation Council (CUWCC), Zone 7 made a commitment to implement cost-effective Best Management Practices for water conservation which includes support for the Governor's target of reducing water use 20 percent by the year 2020. The goal is to develop and implement new conservation programs to reducing average daily per capita demands. This program will increase water-use efficiency and encourage businesses and homeowners to replace high water-use fixtures with high-efficiency fixtures.
- The Direct Install Toilet and Urinal Program will replace 3.5 gallon per flush (gpf) toilets with 1.28 gpf high-efficiency toilets. This program will also serve low income customers who cannot afford to replace or install a new fixture; will target properties 30 years or older, and will serve non-residential customers who have inefficient urinals using 1.5 gallons per flush or higher with high-efficiency urinal flush valves with 0.125 (one pint) and 0.5 gpf.
- The program implements one of the recommendations identified in a study completed by Kennedy-Jenks for Zone 7 that identifies the most cost effective Demand Management Measures (DMMs), also call Best Management Practices (BMPs). Water Sense Specification (WSS) toilets (*Formerly BMP 14*) currently includes replacing existing high-water-using fixtures by providing incentives. Based on the WSS standards, a Request for Proposal to provide direct installation of high-efficiency fixtures was sent to 44 consultants. Two consultants responded. Staff reviewed the proposals and selected Southwest Environmental (SWE) as the most qualified. SWE has proposed a budget of \$150,000 to complete the anticipated work of replacing approximately 500 units.
- Staff recommends authorizing the General Manager to negotiate a contract with Southwest Environmental for a total amount not to exceed \$150,000.

FUNDING:

Funding is available in Fund 72 (75%)—Renewal & Replacement and Fund 73 (25%)—Capital Expansion. This program is partially funded by Proposition 84 grant of \$112,500.00, bringing Zone 7's contribution for this program down to \$37,500.

RECOMMENDED ACTION:

Authorize the General Manager to negotiate and execute a contract with Southwest Environmental in an amount not to exceed \$150,000.

ATTACHMENTS:

Memo Providing Additional Background and Discussion of Agenda Item Resolution

Interoffice Memo

Date: March 21, 2012
To: Jill Duerig, General Manager
From: Robyn Navarra, Water Conservation Coordinator
Subject: Award of Contract to Southwest Environmental for Direct Install High-Efficiency Toilets and Urinal Program.

Background:

Water conservation is a priority in the water resources strategy developed for meeting future demands in the Livermore-Amador Valley region as identified in the Water Supply Engineering. The overall objective for a water conservation program is to achieve and maintain a high level of water use efficiency throughout the region by eliminating wasteful practices in water use, developing information on current and potential water efficient practices, and implementing these practices. By implementing conservation programs, Zone 7 and its customers (both treated and untreated) will benefit.

In 2009, Kennedy Jenks completed the Cost Benefit Study, an evaluation of Zone 7's conservation program. The study suggests water savings achieved from indoor retrofitting devices can reduce demand by nearly 36 percent. The Residential Programmatic BMP includes market transformation goals by either providing incentives to accelerate the purchase of HETs and urinals or by instituting ordinances to do so. The conservation program continues to implement water-savings recommendations from the study, including a wide range of customer incentives, services, school education, and assistance to promote the efficient use of water and reduce wasteful practices. The direct-install program will support the conservation component of the agency's Urban Water Management Plan, is consistent with the CUWCC's MOU for Best Management Practices and the San Francisco Bay Area Integrated Regional Water Management Plan (IRWMP), and will support meeting the Governor's water conservation goal of a 20 percent reduction by 2020 (SBX7-7).

Discussion:

The Ultra-Low Flush toilet rebate program for replacement of older toilets with (1.6 gallons per flush or less) started in 1994 and showed great success. Between 1994 – June 2008 the program resulted in a water savings of 813 acre-feet. In 2008, the program changed to offer High-Efficiency Toilet (HET) (1.28 gallons per flush or less) which provide greater water savings when replacing 3.5 gallons per flush (gpf) or higher. The current HET program is very successful. The program guidelines consist of the single-family residential customer who purchases and installs a new HET and dispose the old toilet. In 2010, the program was expanded to include Homeowners Associations, multi-family homes and non-residential customers. In 2010, Zone 7 processed 1,534 residential and non-residential rebates, which resulted in a water savings of nearly 27 acre-feet in Zone 7's service area.

In 2011, staff evaluated the current HET conservation program and found this program could expand to include a direct installation component. Staff met with the water retailers to develop a new Direct Installation fixture replacement program and to develop program goals and guidelines. The group identified the sector of customers who could not feasibly replace their water wasting fixture due to economic factors (low income) and identified non-residential customers who also needed some assistance. The High-Efficiency Toilet and Urinal (HET/HEU) Direct Install/Rebate Program involves replacing older, high volume toilets (3.5 or more gallons per flush) with high-efficiency toilets (1.28 gpf or less), and existing urinals (1.0 or more gpf) with high-efficiency urinals that use 0.5 gpf or less. The group identified the need to hire a plumbing contractor to perform the installation. The primary goal of the program is to reduce potable water demand by approximately 41 AF annually and 826 AF over the next 10 years should the program be extended, by measuring and implementing water-efficiency incentives and educational programs. Improving water use efficiency and reducing wasteful water use

practices throughout the valley will also help address statewide, regional and local water conservation initiatives such as to:

- Comply with statewide water demand reduction targets set forth in SBx7-7 legislation that meets the Governor's water conservation goal of 20 percent per capita reduction by the year 2020.
- Support implementation of the conservation component of Zone 7's Urban Water Management Plan.
- Facilitate compliance with the Best Management Practices as set forth in the California Urban Water Conservation Council's Memorandum of Understanding regarding Urban Water Conservation in California.
- Support low-income communities through consumer rebates and direct installation of water saving fixtures.
- Provide assistance to non-residential customers who are experiencing economic pressures.

Contractor Selection Process:

A Request for Proposal for Professional Services for Administration of a Commercial, Industrial, Institutional and Multi-Family and Single-Family Dwelling High-Efficiency Toilet and Urinal Retrofit Program was mailed to forty-two businesses and a copy of the proposal was available on Zone 7's website. Zone 7 received two proposals for this project one from Puronics Service Inc. and one from Southwest Environmental. Zone 7 staff and staff representatives from each water retailer met and reviewed the two proposals. The majority ruled Southwest Environmental to be the best candidate to run the Direct Install Program.

Why offer this program:

This program offers increased water-use efficiency and encourages businesses and homeowners to replace one or more existing 3.5 gallon per flush toilet(s) with high-efficiency toilets of 1.28 gallons per flush from the list of qualifying models, 2) offers CII customers a HET and HEU rebate program by offering a fixed amount for the material cost (bowl and valve) of new HEU(s), which meet the EPA WaterSense specification for flushing urinals, and 3) provides an incentive to replace existing older urinals (pre-1992) using 2 gpf or more. The end use of water for toilet flushing is approximately 25 percent of indoor household usage. There are also many older toilets in the commercial, industrial and institutional sectors. There still remains a significant number of older high-water-use toilets that, when replaced with HETs, could reduce water usage by approximately 60 percent.

While there is not a direct correlation between product price and efficiency, the average costs for HET/HEUs are higher than for moderately priced standard toilets/urinals. Bridging the cost difference with a rebate or a direct-install program will increase demand for HET/HEUs and thus help to save water.

Program Goals:

Customers participating in this program are provided free installation of high-efficiency toilets to replace old, water-wasting models. The program goals are: 1) to launch this program this fiscal year to serve customers throughout the Livermore-Amador Valley who currently receive a low income service discount; 2) to provide new fixtures and technical services to water users most severely impacted by utility costs, economics, and who are least likely to participate in traditional rebate programs; 3) to assist non-residential customers such as multi-family dwellings, (apartments with four units or more); 4) to accelerate replacement of existing high water-using toilets and urinals in commercial, industrial, and institutional (CII) facilities with the goal of achieving water use reduction by CII accounts; 5) to support the conservation component of the agency's Urban Water Management Plan; and 6) to meet the Prop 84 goal of replacing 1,700 units over the next three years.

How the program will work:

Southwest Environmental (SWE) proposes to dedicate eight full-time employees to the Bathroom Retrofit Program with additional employees fulfilling supplemental roles. All installers are licensed by the California Contractors State License Board, number 458682 and hold C-36 State of California Plumbing Licenses.

- SWE proposes to work with Zone 7 and the retailers to develop program forms, produce marketing materials, create a comprehensive implementation plan, and begin contacting potential participants.
- SWE proposes to procure, warehouse, and supply toilets and urinals and associated parts for fixture retrofits. All toilets used in this program will carry the WaterSense label.
- Under the direction of Zone 7 staff, the proposal would review and confirm that applicants meet program eligibility requirements and SWE will verify customer's current fixtures to be replaced meet program qualifications. SWE will contact the customer's directly to schedule the inspection and installation service. A pre- and post-inspection will be required to verify that the toilet/urinal meets program terms and conditions.
- SWE proposes to properly dispose of the fixtures. Currently there are discussions with the City of Livermore and the Boy Scouts to recycle the older units for all retailers. SWE will drop off the units to the Boy Scouts and SWE will pay for the disposal.
- SWE proposes to provide weekly progress reports to Zone 7 staff which detail current weekly customer contacts and provide a complete database detailing program participation.
- SWE proposes to provide a toll free phone number to assist with customer issues. A call log will be generated and provided with the monthly invoice. Project costs for each installation are \$285 - \$450 per unit depending on site conditions.

As a demand-side measure to increase efficient use of water, an aggressive conservation program is essential to the Tri-Valley. By reducing demand through conservation, Zone 7 and its water retailers can optimize use of existing supplies and reduce the need for development of new supplies, as well as reduce existing demands on the Delta. Furthermore, water conservation is a comparatively low-cost source of water supply with positive environmental impacts and benefits including energy savings, pollution prevention, solid waste reduction, and reduced carbon emissions.

Funding for the Direct Install HET and HEU Program:

This program will be subsidized by the Proposition 84 Integrated Regional Water Management Grant. Zone 7 Water Agency collaborated with eleven Public Water Agencies and one non-profit in the Bay Area IRWMP Prop 84 Water Conservation Grant application. A total of \$33 million is allocated for the San Francisco Bay Area and was awarded in August 2011. A total of \$14.9 million was awarded to the regional conservation programs to provide incentives which include 1) Water-Efficient Landscapes, 2) Water-Efficient Landscape Education, 3) Weather-Based Irrigation Controllers for Commercial, Industrial, Institutional (CII), 4) Weather-Based Irrigation Controllers for Single and Multi-family, 5) High-Efficiency Toilet and Urinal Programs, 6) Direct Install High-Efficiency Toilet and Urinal Programs, and 7) High-Efficiency Clothes Washer Program. Zone 7 has allocated 1,700 direct installations to be funded from this grant. The grant will subsidize the Direct Install Program. The grant will pay 75% of the cost up to \$300 per unit. Zone 7's goal is to replace a total of 1,700 HET and HEU's over the next three years. See Table A below for details. The technologies promoted in this program are well-proven in terms of water use efficiency, and will collectively lead to an estimated reduction in potable demand of 826 acre-feet over the next 10 years.

Table A: Direct Install Toilet and Urinal Replacement Program

Total Regional Rebates	Minimum Rebate Cost/ Unit	Rebate Unit	Admin Unit Cost (L+B+Prof Serv.+O)	Total Program Cost with labor	Prop 84 Cost (75% of Rebate Unit)	Agency Cost (25% of Rebate and 100% of Admin)	Annual Unit Water Savings (Gal per Year)	Annual Total Water Savings (Gal)	Annual Total Water Savings (AF)	Total Life Water Savings (AF) 10 years
1,700	\$300.00	Toilet or Urinal	\$14.10	\$533,970	\$382,500	\$151,470	7,921	13,465,160	41	826

Contractor Selection Process:

A Request for Proposal for Professional Services for Administration of a Commercial, Industrial, Institutional and Multi-Family and Single Family Swelling High-Efficiency Toilet and Urinal Retrofit Program was mailed to forty-two businesses and a copy of the proposal was available on Zone 7's website. Zone 7 received two proposals for this project: one from Puronics Service Inc. and one from Southwest Environmental. Zone 7 staff and staff representatives from each water retailer met and reviewed the two proposals. The Tri-Valley team determined that Southwest Environmental is the best candidate to run the Direct Install Program.

Recommendation:

Authorize the General Manager to negotiate and execute a contract with Southwest Environmental in an amount not to exceed \$150,000.

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Authorizing Award of Contract for the Direct-Install Program
to Southwest Environmental**

WHEREAS, Alameda County Flood Control and Water Conservation District, Zone 7 will continue to recognizes water conservation for the Livermore-Amador Valley region;

WHEREAS, the overall objective for a water conservation program is to achieve and maintain a high level of water use efficiency throughout the region by eliminating wasteful practices in water use, developing information on current and potential water efficient practices, and implementing these practices; and

WHEREAS, by reducing demand through conservation, Zone 7 and its water retailers can optimize use of existing supplies and reduce the need for development of new supplies, as well as reduce existing demands on the Delta;

NOW, THERFORE, BE IT RESOLVED, that the General Manager be authorized to sign the Contract with Southwest Environmental in an amount not to exceed \$150,000 for the Direct Install High-Efficiency Toilet and Urinal Program.

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

March 21, 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 DIVISION: ADMINISTRATION
CONTACT PERSON: JUDY RECTOR

AGENDA DATE: March 21, 2012

ITEM NO. 5h

SUBJECT: Records Retention/Management Policy Framework

SUMMARY:

- The purpose for the records retention management policy framework is to define the objectives for managing the records and information assets of Zone 7 in compliance with regulatory, legal and business requirements in the most efficient and effective manner.
- Zone 7's policy framework identifies the approach staff is directed to take with regard to the creation, retention, and disposition of records and information.
- The objectives of the policy are:
 - to properly govern records and information assets;
 - to accurately create records and information reflecting the business activities of Zone 7;
 - to properly retain and manage records and information in compliance with regulations; and
 - when the subject of a Legal Hold, Tax Hold or Audit, to suspend the destruction or deletion of any information pursuant to the Records Retention Schedule (RRS) and to preserve any information until instructed otherwise by the individual responsible for issuing the Legal Hold, Tax Hold, or Audit Notice.
- Zone 7 does not currently have an existing policy for records retention/management.

FUNDING:

N/A

RECOMMENDED ACTION:

Adopt resolution establishing a Records Retention/Management Policy Framework.

ATTACHMENTS:

Zone 7 Records Retention/Management Policy Framework
Resolution

Records Retention/Management Framework

1. Purpose and Objectives

Define the framework for managing the records and information assets of Zone 7 in compliance with regulatory, legal and business requirements in the most efficient and effective manner.

To adequately plan for the creation, retention and disposition of records and information in compliance with legal regulations. To allow for the accessibility of information available under the retention schedule for the fulfillment of public records requests.

To provide staff with a framework to purge and dispose of files and records with specific implementing procedures to follow at the staff level.

2. Administration of the Policy

In keeping with Resolution No. 09-3266, which states that “The Agency’s General Manager has full charge and control of the day-to-day management, operation and administration of the Agency,” the General Manager shall retain primary jurisdiction, responsibility, and authority for all matters pertaining to records retention and management.

Retention Management is keeping information only for as long as is needed to:

- meet government or industry regulations
- defend a position in litigation or tax audits
- meet ongoing business needs

The General Manager may delegate any of the powers and duties conferred upon him or her to any other employee of the Agency to coordinate and administer the Records Management Program; the Board Secretary typically is responsible for this task. The responsible staff person shall develop retention schedules for management of the Agency’s records.

Copies of retention schedules shall be placed on file in the office of the General Manager and be available for public inspection.

The Board of Directors may from time to time request information on the status of the retention process in checking on this policy for the Agency.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

ESTABLISHING A POLICY FRAMEWORK FOR
RECORDS RETENTION AND MANAGEMENT

WHEREAS, Zone 7 Water Agency does not have a formal board policy for a Records and Information Management (RIM) Program; and

WHEREAS, an agency records management policy framework is desired to provide direction to Zone 7 staff for managing the agency's records; and

WHEREAS, the purpose for the RIM policy framework is to provide board direction to Zone 7 staff for managing records and information in compliance with regulatory, legal and business requirements in the most efficient and effective manner.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District that staff are to use this Records and Information Policy framework to ensure that:

- The information is available when and where needed.
- Records are filed to ensure their prompt retrieval, facilitate systematic disposition when no longer current; and that non-current records do not encumber valuable office space and filing equipment.
- Records are destroyed in accordance with authorized records control schedules which comply with all applicable laws, regulations and policies.
- Historically valuable records of the Agency shall be preserved and made available to the public for research purposes but will not be transferred to private individuals, private historical societies or museums, or to private colleges or universities.

BE IT FURTHER RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby adopt the attached Records and Information Management (RIM) Policy Framework to ensure Zone 7's mission by protecting and managing Agency documents in a fiscally responsible way.

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

March 21, 2012

By: _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: Integrated Planning

CONTACT: Carol Mahoney/Amparo Flores

AGENDA DATE: March 21, 2012

ITEM NO. 5i

SUBJECT: Award of Contract for Greenhouse Gas Analysis for the Bay Area Regional Desalination Project

SUMMARY:

- In May 2011, the Board adopted Resolution No. 4078 authorizing the General Manager to negotiate and execute the “Memorandum of Agreement (MOA) to Conduct Site-Specific Analysis of the Bay Area Regional Desalination Project (BARDP).” In the MOA, which was executed on October 3, 2011, the BARDP partners (Contra Costa Water District, East Bay Municipal Utility District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, and Zone 7 Water Agency) committed to equal share of costs for technical analysis and public outreach, which totals \$1,000,000).
- One of the technical tasks included in the MOA is the Greenhouse Gas Reduction Analysis, for which Zone 7 agreed to take the lead and to retain and manage a consultant on behalf of the partners at a not-to-exceed cost of \$60,000. This amount represents a portion of Zone 7’s \$200,000 share (\$1,000,000 divided by 5) of the Site-Specific Analysis.
- After a formal proposal solicitation and interview process, the partners agreed that Kennedy/Jenks Consultants, which has solid experience in greenhouse gas analysis for desalination projects across California, is best qualified.
- Staff are recommending approval of a contract with Kennedy/Jenks for a not-to-exceed amount of \$60,000.

FUNDING:

The contract is to be funded 100% from Fund 73 (Expansion).

RECOMMENDED ACTION:

Authorize the General Manager to negotiate and execute a contract with Kennedy/Jenks Consultants to perform greenhouse gas analysis for the BARDP for a not-to-exceed amount of \$60,000.

ATTACHMENTS:

1. Memo with additional background information
2. Zone 7 Board Resolution

Interoffice Memo

Date: March 21, 2012
To: Jill Duerig, General Manager
From: Amparo Flores, Integrated Planning
Subject: Consultant Contract for Greenhouse Gas Analysis for the Bay Area Regional Desalination Project

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

BACKGROUND:

Zone 7 Water Agency's largest source of water supply, the State Water Project (SWP), is subject to a very uncertain future due to legal and environmental constraints in the Sacramento-San Joaquin Delta (Delta). Consequently, as part of its 2011 Water Supply Evaluation (WSE),¹ Zone 7 investigated alternative or backup water supply sources. The Bay Area Regional Desalination Project (BARDP) is one of the potential sources for the Intertie Portfolio evaluated in the WSE because it could provide a drought-resistant, high-quality water supply that will reduce reliance on the SWP while also diversifying Zone 7's existing water supply mix.

Since 2003, the Bay Area's four largest water agencies—East Bay Municipal Utility District (EBMUD), San Francisco Public Utilities Commission (SFPUC), Santa Clara Valley Water District (SCVWD), and Contra Costa Water District (CCWD)—have been working together to evaluate the feasibility of a regional desalination facility to improve water supply reliability for the more than five million people served by these agencies. In May 2010, Zone 7 formally accepted an invitation to join the BARDP partners. As a partner, Zone 7 is evaluating the feasibility of receiving up to 5,600 acre-foot (AF) of desalinated water every year, or only during normal/wet years, from the BARDP starting around the year 2020. This would be equivalent to 5 million gallons per day (MGD) over twelve months.

To date, the partners have completed a Pre-Feasibility Study (2004), a Feasibility Study (2007), Pilot Test (2010), and Institutional Feasibility Analysis (2010). The BARDP partners are now undertaking technical studies and public outreach based on a proposed project location in eastern Contra Costa County under the "Memorandum of Agreement (MOA) to Conduct Site-Specific Analysis of the BARDP." The MOA, which was executed on October 3, 2011, stipulates the equal sharing of costs by the partners for technical analysis and public outreach, which totals \$1,000,000.

DISCUSSION:

One of the foremost public concerns associated with any desalination project is the high energy consumption and associated potential for large greenhouse gas (GHG) emissions. To address

¹ The 2011 Water Supply Evaluation was presented to the Board at the July 2011 Board meeting.

this concern, one of the technical tasks to be completed under the MOA is a GHG analysis of the proposed BARDP. This analysis would include the following sub-tasks: 1) estimate the BARDP's potential gross GHG emissions, 2) identify and evaluate potential GHG emission reduction strategies and actions, 3) identify and estimate sources of avoided emissions, 4) provide overview of current desalination research, and 5) prepare a technical memorandum. Zone 7 agreed to take the lead with the GHG analysis task, and to retain and manage a consultant on behalf of the partners. The budget for this task is capped at \$60,000; payment for this task represents a portion of Zone 7's \$200,000 share (\$1,000,000 divided by 5) of total project costs.

A Request for Proposals (RFP) for the GHG analysis task was issued in December 2011 and proposals were received from the following five firms by the January 2012 deadline: Carollo Engineers, Environmental Compliance Solutions, Inc., ESA, Kennedy/Jenks Consultants, and URS. Kennedy/Jenks Consultants and URS were selected for an interview by a panel consisting of representatives from the five partner agencies. The panel unanimously agreed to retain Kennedy/Jenks Consultants due to their solid experience in GHG analysis for desalination projects across California. Kennedy/Jenks is also experienced in interacting with the public, including environmental groups, on this issue. Staff are therefore recommending approval of a consulting contract with Kennedy/Jenks.

RECOMMENDED ACTION:

Authorize the General Manager to negotiate and execute a contract with Kennedy/Jenks Consultants to perform greenhouse gas analysis for the BARDP for a not-to-exceed amount of \$60,000.

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Authorization to Negotiate and Execute a Contract with Kennedy/Jenks
Consultants to Provide Greenhouse Gas Analysis Services
for the Bay Area Regional Desalination Project**

WHEREAS, Zone 7, along with East Bay Municipal Utility District (EBMUD), San Francisco Public Utilities Commission (SFPUC), Santa Clara Valley Water District (SCVWD), and Contra Costa Water District (CCWD), is a signatory to the “Memorandum of Agreement (MOA) to Conduct Site-Specific Analysis of the Bay Area Regional Desalination Project (BARDP)” executed in October 2011; and

WHEREAS, Zone 7 agreed to take the lead on the Greenhouse Gas Analysis task of the site-specific analysis to be conducted under the MOA, and to retain and manage a consultant on behalf of the partners,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute a contract with Kennedy/Jenks Consultants to provide Greenhouse Gas Analysis services for the BARDP at a not-to-exceed cost of \$60,000.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District on

March 21, 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: March 21, 2012

ITEM NO. **6a**

SUBJECT: New Employee Introduction

SUMMARY:

We are introducing one new employee to the Board of Directors who joined the Zone 7 team since our last Board meeting.

Dominique Johnson, Account Clerk

New employee Dominique Johnson joined Zone 7 on Tuesday, February 21, 2012 as an Account Clerk working for the Accounting Section at the North Canyons Administration Office. She comes to Zone 7 from Alameda County, where she worked as a Specialist Clerk for the Social Services Agency, the Public Health Department and as a Secretary for the Board of Supervisors. Her prior work experience also includes inventory control, clerical accounting duties, and office management.

Dominique has a Bachelor's Degree in Business Administration with concentrations in Accounting and Corporate Management from California State University, East Bay.

Please join us in welcoming Dominique to the Zone 7 team!

RECOMMENDED ACTION:

Information only.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: ADMINISTRATIVE SERVICES
CONTACT PERSON: TOM HUGHES

AGENDA DATE: March 21, 2012

ITEM NO: **6b**

SUBJECT: Employee of the Month Recognition

SUMMARY:

The Employee Recognition Program Nomination Committee met in February and selected the Employee of the Month for January 2012 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.

Sara Whatley, Safety Technician, has been chosen from among those nominated as the January 2012 Employee of the Month. Sara has worked in the Employee Services Section since February 2009. According to the recommendation the committee received, Sara has a great work attitude and is a pleasure to work with. Sara produces high quality results in her work projects and is willing to work long hours in order to get her assignments completed on time. Sara is able to recognize potential problems and resolve them before they become big issues that could be potentially costly for Zone 7. Sara shows initiative and willingly takes on new challenges. Sara was complimented for her ability to manage her time and the successful re-working of the Confined Space Training Program. Sara is described as a team player.

The committee recognizes Sara as a valuable employee and an asset to Zone 7, with management approving the selection.

RECOMMENDED ACTION:

It is recommended that the Zone 7 Board of Directors recognize and congratulate Sara Whatley as January 2012 Employee of the Month.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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

ORIGINATING SECTION: FACILITIES ENGINEERING
CONTACT: JAIME RIOS / RHETT ALZONA

AGENDA DATE: March 21, 2012

ITEM NO. 7

SUBJECT: Award of Contract for the Patterson Pass Water Treatment Plant
Sanitary Sewer Pipeline Project

SUMMARY:

- The existing septic tank system at Patterson Pass Water Treatment Plant is near the end of its useful life and is in need of replacement. Rather than replace it, Zone 7 staff believes that it would be more environmentally responsible and in the interest of public health to construct a sanitary sewer pipeline and connect to the City's sewer system.
- The project scope includes installation of approximately 4,100 feet of 8-inch diameter PVC sewer line and associated sewer manholes, a flow meter within a pre-cast concrete vault with associated electrical and instrumentation.
- Per CEQA guidelines, Zone 7 staff prepared a Mitigated Negative Declaration for the project which was adopted by the Board at the December 2011 Board meeting.
- Zone 7 advertised the construction contract and on March 8, 2012, eleven bids ranging from \$494,445 to \$828,814 were received. The Engineer's estimate for the project scope under this contract is \$519,000.
- Bids were reviewed by Zone 7 staff and it was determined that the lowest responsive and responsible bidder is Mozingo Construction, Inc., with a bid of \$494,445.
- The lowest bidder, Mozingo Construction, Inc., has complied with the bid requirements.

FUNDING:

Funding for the project is available in Fund 72 - Renewal and Replacement/System-wide Improvements.

RECOMMENDED ACTION:

Consider bids for the construction of the PPWTP Sanitary Sewer Pipeline Project and adopt the attached resolution to:

- Approve plans, specifications, appendices and addenda;
- Accept the bid and award a contract to Mozingo Construction, Inc., as the lowest responsive and responsible bidder for the bid amount of \$494,445;
- Authorize the General Manager to negotiate and execute the contract with Mozingo Construction, Inc.;
- Authorize the General Manager to issue change orders as and when required in an amount not-to-exceed \$49,445 (10% of contract amount).

ATTACHMENTS:

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

Interoffice Memo

Date: March 21, 2012
To: Jill Duerig, General Manager
From: Jaime Rios, Associate Civil Engineer
Subject: Award of Contract for the Patterson Pass Water Treatment Plant Sanitary Sewer Pipeline Project

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

BACKGROUND:

Patterson Pass Water Treatment Plant was constructed in the unincorporated area east of Livermore in 1962. At that time there were minimal city services in the area. Plant construction, therefore, included installation of a septic tank system to dispose of sewage.

DISCUSSION:

Recently this septic tank system has shown indications that it is near the end of its useful life. Rather than replace it, Zone 7 staff believes that it would be more environmentally responsible and in the interest of public health to construct a sanitary sewer pipeline and connect to the City's sewer system at Greenville Road. In addition, the pipeline will serve to dispose of neutralized citric acid which is used to clean the ultrafiltration plant filters and which is currently trucked to the DSRSD sewage treatment plant.

Zone 7 staff prepared a Mitigated Negative Declaration for the project which was adopted by the Board at the December Board meeting. Zone 7 staff prepared plans and specifications for the project which includes installation of approximately 4,100 feet of 8-inch diameter PVC sewer line and associated sewer manholes, a flow meter within a pre-cast concrete vault with associated electrical and instrumentation.

The project was advertised on February 21 and February 28 in a local newspaper, on an internet site (Onvia) and on Zone7's website. In addition, copies of the plans and specifications were posted in twenty-six Northern California building exchanges. Subsequent to advertising, over nineteen contractors attended the required pre-bid site visit. On March 8, in accordance with established procedures, the following eleven bids were received:

<u>Name of Firm</u>	<u>Total Bid Amount</u>
Mozingo Construction, Inc.	\$494,445.00
Mountain Cascade	497,905.00
Platinum Pipeline	513,734.00
Ranger Pipelines	565,315.00
California Trenchless	596,467.50
J&M Inc.	638,067.00
KJ Woods Construction	688,000.00
Stoloski & Gonzalez	736,100.00
MDF Pipeline	743,739.00
Tidelands Construction	765,835.00
Ghilotti Construction	828,814.00

The Engineer's estimate for the project scope under this contract is \$519,000.

The bids have been reviewed by Zone 7 staff. The low bidder has complied with the bid requirements and was determined to be responsive to the contract requirements. Staff recommends the award of contract to the lowest responsive and responsible bidder, Mozingo Construction, Inc., in an amount not-to-exceed \$494,445. Additionally, staff recommends that the General Manager be authorized to negotiate and issue change orders as and when required in an amount not-to-exceed \$49,445 (10% of contract amount).

SCHEDULE:

Construction is scheduled to commence by the beginning of April 2012 and substantial completion of the project is anticipated by the end of July 2012.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Award of Contract for the Patterson Pass Water Treatment Plant
Sanitary Sewer Pipeline Project**

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District has a project for the construction of the PPWTP Sanitary Sewer Pipeline Project; and

WHEREAS, a Mitigated Negative Declaration per the California Environmental Quality Act (CEQA) guidelines was prepared for the project and was adopted by the Board at the December 2011 Board meeting; and

WHEREAS, the Project plans, specifications and addendum were developed and advertised for bids in accordance with the California Public Contract Code; and

WHEREAS, bids were received and publicly read by the Zone 7 General Manager's authorized representatives at the Zone 7 Administration Office, 100 North Canyons Parkway, Livermore, California 94551 on March 8, 2012 at 1:30 pm; and

WHEREAS, eleven bids were received and the lowest responsive responsible bid received for Project No. 214-11 is the bid by Mozingo Construction, Inc., with a bid amount of \$494,445.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby approve the plans, specifications, appendices, and addenda for the PPWTP Sanitary Sewer Pipeline Project; and

BE IT FURTHER RESOLVED that the bid of the lowest responsive and responsible bidder, Mozingo Construction, Inc., be accepted, and that the contract for the work be awarded to Mozingo Construction, Inc. , in an amount not to exceed \$494,445; and

BE IT FURTHER RESOLVED that the General Manager be authorized to negotiate and execute the contract on behalf of Zone 7 of the Alameda Flood Control and Water Conservation District upon such presentation and approval of the contract and each of the bonds presented by Mozingo Construction, Inc.; and

BE IT FURTHER RESOLVED that the General Manager be authorized to negotiate and issue change orders as and when required in an amount not to exceed \$49,445.

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

March 21, 2012

By _____
President, Board of Directors

3/ 21 /12 Board Written/narrative Comments By Dick Quigley

Attended the ACWA Annual DC Conference in Washington, D.C. February 27 to March 1, 2012.

Tuesday 2/27: We broke into four small issue groups carrying a California water message to Congressmen. The Issue group themes were: Comprehensive Water Package (I served with Randy Record, Tim Quinn, Cindy Tuck, Greg Zolotnick, Linda Ackerman and Dave Eggerton.) Other issue groups focused on Infrastructure & Agriculture, Water Supply, and Drinking Water & Energy. My group visited the offices of Tom McClintock, Feinstein and Boxer. We also got to watch Garamendi, McNearney, Costa, Denham, Nunes, and others debate HR 1837.

Updated Message Points on the Water Bond and BDCP
February 27, 2012

2012 Water Bond

- The 2012 water bond is set to be on the California ballot this November. Leaders in both houses of the California Legislature have started a process to determine if there could be consensus on reductions to the bond that are aimed at improving viability. These reductions, which would require a 2/3 vote by the Legislature, would address concerns raised about the bond's size and the inclusion in the bond of what some parties believe to be "pork."
- Depending on the Governor's position and the outcome of these discussions in the Legislature, the bond may remain on the ballot in November and be successful. Whether this is the case or if a delay until 2014 is needed will likely be decided this spring.
- While a number of interests are discussing possible changes to the specific details of the 2012 water bond, few are challenging the underlying need to hold the integrity of the package together and the need for general obligation bond financing to help finance that package.
- General obligation bond funding is critical to the integrity of the package because it provides an appropriate and much-needed mechanism to fund the public benefits of investing in the water system. It provides public dollars to assist with the transition to the co-equal goals.
- Where water projects were once built for the single purpose of providing water to farms and cities, today they must be managed for the co-equal goals of ecosystem health and water supply reliability.

- That shift requires a new approach to our infrastructure and investments in everything from water recycling to desalination plants to fish screens and more. Those investments will require public dollars.
- Bond funds will help ensure that elements of the package with public benefits move forward, including costly ecosystem restoration programs and local resource investments to improve water supply reliability.
- Though the current water bond includes funding for Delta ecosystem restoration, it specifies that no public funds may be used for Delta conveyance facilities. Those costs would be paid by the water agencies that would receive water conveyed through any new facility.
- The BDCP is developing a comprehensive plan to obtain long-term operating permits under the state and federal Endangered Species Acts.
- The proposed BDCP conservation strategy includes a more modern and reliable water conveyance system in the Delta, restoration of up to 115,000 acres of natural habitat, and actions to address other stressors affecting the Delta ecosystem.
- Any conveyance facilities built as part of the BDCP will have to meet the highest environmental standards in the country as a Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).
- By the end of February, the BDCP is scheduled to release updated documents on the plan's proposed actions and alternatives, an effects analysis and information on implementation costs and funding sources.
- A public review draft of the plan is expected by this summer, with a final document scheduled for release in late 2012.
- Gov. Jerry Brown referred to the BDCP as a top priority in his 2012 State of the State address and said key elements of the project would be identified by this summer. State and federal officials have agreed to an ambitious schedule that calls for the plan to be completed and certified by the end of 2013.
- The cost of building new Delta conveyance facilities would be paid by the water agencies that would receive water conveyed through any new facilities.

Prepared by the Association of California Water Agencies

When we were waiting in Senator Feinstein's office, I visited with a young intern from the Livermore Valley who works for Boxer and is exploring opportunities with Feinstein. He e-mailed me after I returned with questions. Wanted to share our interaction! (I take it as a positive!)

My Group in Congressman Miller's office with Ben Miller his Chief of Staff:



Also: Friday at my Granada High Interact meeting, I learned that two of my group went to DC last year on a school trip and discovered a recent Granada High graduate working in Speaker Boehner's office. Our youth are our future! Tim Quinn's granddaughter goes to Granada!

Dan Lungren's comments on Hetch Hetchy got me thinking of the FED/STATE divide and I have forwarded some Fed Land ownership data I have found. Note: I enjoyed visiting with and listening to Congressman Dan Lungren.

X web site: **Lungren Votes To Create Jobs and Secure Water Rights** 02/29/12

Washington DC – Today Congressman Dan Lungren (R-Gold River, CA) voted to restore water access to California farmers by voting in favor of The San Joaquin Valley Water Reliability Act - H.R. 1837. Congressman Lungren released the following statement:

“The San Joaquin Valley Water Reliability Act is not a perfect bill. I was opposed to this bill in its original form. But after months of meetings with

northern CA water contractors and irrigation districts, there was an agreement reached on language in HR 1837. If enacted, this bill will protect the interests of senior water rights holders in the Sacramento Valley and will provide federal statutory recognition of and commitment to California's state water rights priority system and area of origin protection."

"I support this version of the bill as a legitimate step forward. Any final bill that goes to the President's desk will require negotiations with the U.S. Senate. H.R. 1837 is the only legislative vehicle which will provide an opportunity for fruitful negotiations culminating in legislation which becomes law."

The San Joaquin Valley Water Reliability Act, H.R. 1837, is a response to the Obama Administration regulations that cut the flow of water to farms and communities in order to protect the Delta smelt. Republicans and Democrats argued that this decision created a man-made drought that produced double-digit unemployment by favoring species protection over agricultural and economic growth.

###

Congressman Dan Lungren serves as the Chairman of the House Administration Committee in addition to serving on the Judiciary and Homeland Security Committees.

We had the opportunity to speak to a number of Congressmen and their senior staff.

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: March 21, 2012

ITEM NO. 11a

SUBJECT: GENERAL MANAGER'S REPORT

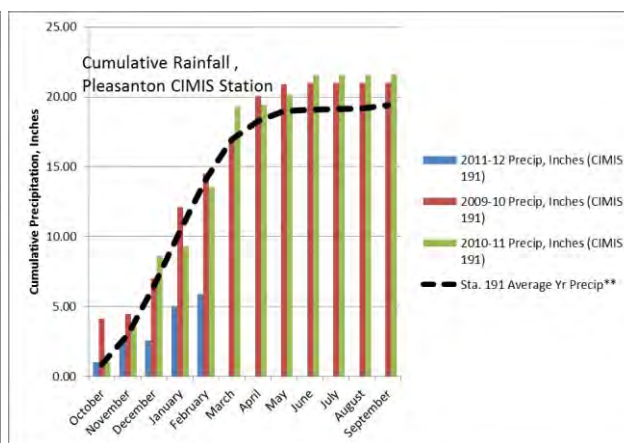
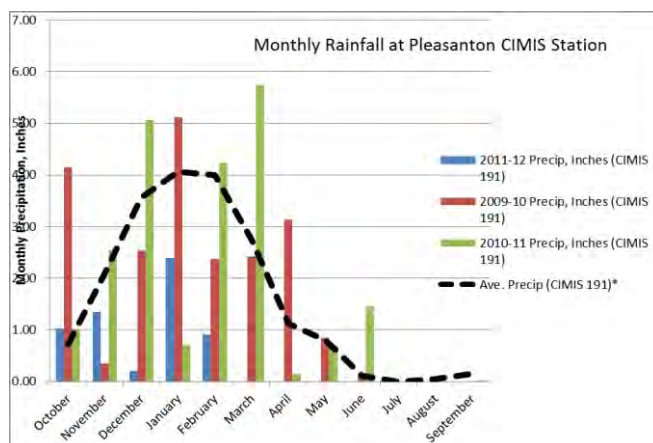
SUMMARY: The following highlights a few of the key activities which occurred during February. Also attached is a list of the General Manager (GM) contract(s) executed during the month.

Environmental & External Affairs:

- On February 24, 2012, Senator Mark DeSaulnier introduced SB 1337, Zone 7's separation bill, which would separate Zone 7 from the County, creating a new independent (rather than dependent) special district. Senator Loni Hancock and Assemblymember Joan Buchanan co-authored the bill.
- Staff are assisting the Livermore Area Recreation and Park District (LARPD) with improvements to the irrigation system at some of the sites that participated in the landscape irrigation survey program identifying possible water saving measures. Currently, LARPD is considering purchasing a controller that would allow them to download information from the California Irrigation Management Information System (CIMIS) for "smart" watering.

Engineering and Flood Control:

- Local precipitation in February was well below average, resulting in a cumulative total that is exceptionally low (see graphs below). Similarly, DWR reported that as of the end of February, annual and electronic readings showed that statewide, snowpack water content was only 30% of historic readings for the date. "The weather news so far this winter has not been good," said DWR Director Mark Cowin. "We still have good reservoir storage due to last winter's storms, but we would like to see more rain and snow this season." The probability of the San Luis Reservoir filling this year is very small, even if March is wet.



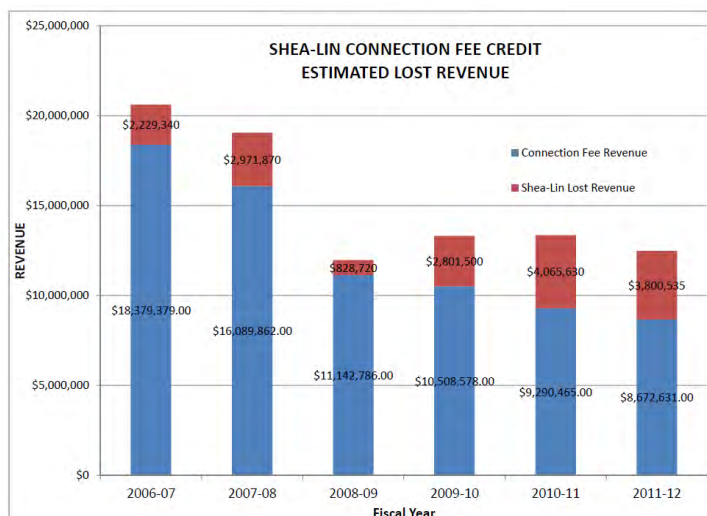
- As a result of the low precipitation, DWR announced a reduction in this calendar year's allocation from 60% to 50%. This 10% decrease in SWP allocation should not affect Zone 7's 2012 operations plan. Zone 7 can still meet all projected demands with available supplies and should end the year with at least 10,000 acre feet of carryover into 2013.
- The prioritization of renewal/replacement capital projects continues to be condition-based. Staff have been conducting non-destructive testing of the Del Valle Water Treatment Plant's service water hydropneumatic tank. While installed in 1974, the tank is in amazingly good shape and it appears that with some additional seismic restraints and strengthening support legs, it still has a reasonable lifetime remaining, as long as periodic inspections continue

Operations and Maintenance:

- Overall, Zone 7 supplied 52.8% surface water and 47.2% groundwater (including demineralized groundwater) in February 2012. Del Valle Water Treatment Plant (DVWTP) was put back online on February 10th and Patterson Pass Conventional Water Treatment Plant (PPWTP) was put back in service on February 16th. Patterson Pass Ultra-Filtration Plant remained offline for the low-demand season. Zone 7 received no taste and odor complaints during February.

Finance & Administration

- As part of the ongoing effort to improve collaborative efforts and integrate services within the Valley's public utility agencies to achieve cost-savings, staff have sought a bid from the City of Pleasanton to produce required Proposition 65 signage for Zone 7 facilities.
- In 2000, Zone 7 sold 2,035 "connection fee credits" to Shea-Lin for the North Livermore Development Area. When development was rejected at the polls, Shea-Lin was allowed to use (redeem) those credits in any portion of the Zone 7 service area with no sunset date. When these connection fees were purchased in 2000 the fee was \$4,915 (the current fee is \$22,930). Of the original 2,035 pre-paid connections purchased for \$10 million, 824 have been redeemed and 1,211 are outstanding (through January 2012). The graph below presents the income from connections sold (blue segments), starting in FY 2006-07 when the redemption of the credits first began, and the potential income that would have been collected if, instead, the connections had been sold at fees current at time of redemption (red segments, accumulated total \$16.7 million). This graph data does not include the original \$10,000,000 collected in 2000 for the pre-paid connections (nor back that out of lost revenue); instead, it shows merely what would have been collected if no credits were available, presenting the total amount of development, with 2011-12 data being through the end of January, only:



Monthly List of GM Contracts

February 2012

Contracts:

Urban Futures Incorporated	\$50,000	Financial Management Consulting
Mathis Consulting	5,500	OCI Measurement and Two-Hour Presentation
Miller Pacific Engineering Group	8,800	Cope Lake Slope Repair Geotechnical Engineering Services
Total February 2012	\$64,300	



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: Administration
CONTACT: Boni Brewer

AGENDA DATE: March 21, 2012

ITEM NO. **11b**

SUBJECT: Recent Outreach Activities

Bay Area Regional Science Olympiad Competition, February 18

A teacher from Zone 7's schools program helped judge the "Awesome Aquifers" event that was part of the Bay Area Regional Science Olympiad Competition at Foothill High School in Pleasanton. Judging was based on vocabulary and concept assessments, oral interviews and evaluation of aquifer models built by teams of middle school students. This was the first year that Zone 7 participated in this program.

Spring Home & Garden Show, February 18-20

Zone 7, along with some of its water retailers and the Alameda County Flood Control and Water Conservation District's Clean Water Program, shared a booth with messages focused primarily on stormwater pollution prevention during the Home & Garden Show at the Alameda County Fairgrounds in Pleasanton. This event was attended by 10,850 people, hundreds of whom stopped by the booth for information and one-on-one discussion.

Livermore Science Odyssey, March 1

A teacher from Zone 7's schools program demonstrated the stormwater diorama and discussed stormwater pollution prevention during this annual fair, held at Livermore's Junction Avenue Middle School and geared to both elementary and middle school students from throughout the city. Several hundred kids and their parents attended.



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ORIGINATING SECTION: Administration

CONTACT: Jill Duerig/Tim Hunt

AGENDA DATE: February 15, 2012

ITEM NO. **11c**

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.
- Senator Mark DeSaulnier introduced the Zone 7 Water Agency bill (SB 1337) with Senator Loni Hancock and Assemblymember Joan Buchanan as co-authors. The bill likely will be heard in a policy committee in April.
- The Zone 7-sponsored South American Spongeplant bill (AB 1540 introduced by Assemblymember Buchanan) also likely will be heard in April. It would allow the Department of Water Resources to start eradicating the invasive weed in the Delta.
- Budget hearings begin this month. The Gualco Group is among the lobbyists meeting with key budget staff members to explain the water contractors' opposition to the Department of Water Resources' budget change requests that could cost water exporters more than \$27 million. Contractors have voted to oppose the change, but negotiations with the Department are continuing to see if a contract can be developed.
- Senate Democrat leader Darrell Steinberg convened working groups to develop ways to cut the \$11.2 billion water bond on the November ballot. His goal is to reduce it to between \$7-9 billion. Changing the bill would take a two-thirds majority, while putting it off to 2014 would take a simple majority.
- Legislators introduced a total of 4,254 bills in the final year of the two-year session. About one-quarter of those, 1,083, were introduced in the final two days before the deadline.

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.

March 6, 2012

Bill	TOPIC	SYNOPSIS	STAFF'S RECOMMENDED POSITION	STATUS OF THE BILL/COMMENTS
Sponsored Legislation				
AB 1540 (Buchanan)	South American Spongeplant	The bill would authorize the Dept. of Water Resources to eradicate this invasive species.	Sponsor	Referred to Assembly Water, Parks and Wildlife Committee.
SB 1337 (DeSaulnier)	Zone 7 Water Agency	The bill would state the intent of the Legislature to enact a bill to allow Zone 7 to separate from Alameda County.	Sponsor	Read for first time
Peripheral Canal				
AB 2421 (Berryhill)	Delta; Peripheral Canal	This bill would require an economic analysis before enacting a statute authorizing construction of a peripheral canal.	Oppose	Read for the first time
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.	Support	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 1669 (Perea)	Bond allocation, groundwater	This bill eliminate the requirement that projects be ready to go to qualify for \$50,400,000 in allocated bond funds to the Dept. of Public Health.	Watch	Referred to Assembly Water, Parks and Wildlife Committee.
AB 1750 (Solorio)	Rainwater capture act	This bill would allow residential, commercial land governmental landowners to install, maintain and operate rain barrel systems and rainwater capture systems.	Watch	Referred to Assembly Committee on Business, Professions and Consumer Protection.
AB 1798 (Perea)	Posting agricultural water management plans	This bill would require the Dept. of Water Resources to post agricultural water management plans on its web site after they are submitted by agriculture water users.	Watch	Referred to Assembly Water, Parks and Wildlife Committee
AB 2056 (Chesbro)	Drinking water	This bill would simplify requirements to install a point-of-entry and point-of-use water treatment system.	Watch	Eligible to be heard by committee March 25
AB 2075 (Fong)	State water policy	The bill would declare it is state policy to promote water conservation, water efficiency and water recycling as the most cost-effective way to increase water supply and protect the environment.	Watch	Eligible to be heard by committee March 25
AB 2180 (Alejo)	Safe Water Drinking Act	The bill would make technical, non-substantive changes to 1996 Safe Drinking Water Act.	Watch	Eligible to be heard in committee March 25
AB 2238 (Perea)	Public Water systems: Drinking water	The bill would require Dept. of Public Health to promote the consolidation and merger of small community water systems that serve disadvantaged communities.	Watch	Read first time
AB 2398 (Hueso)	Water recycling	The bill would enact the Water Recycling Act of 2012 to revise and consolidate the law related to recycled water and establish statewide goals.	Watch	Read first time
AB 1340 (La Malfa)	Water appropriation: Oroville Sewage Comm.	The bill would authorize the Oroville Sewage Commission to file an application to appropriate water based upon its discharges into the Feather River.	Watch	Read first time
SB 1538 (Simitian)	Drinking water	The bill would require the Dept. of Public Health to include a discussion of current and past bond moneys available and spent to improve water quality and an accounting of which systems were funded.	Watch	Read first time

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
SB 52 (Steinberg)	Environmental quality: jobs and economic improvement	The bill would require a lead agency to place the highest priority on feasible measures that would reduce greenhouse emissions on the project site and the surrounding neighborhoods.	Watch	Read first time, held at desk
Special Districts				
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. Read first time, held at Assembly desk.
CEQA - Infrastructure Projects				
SB 52 (Steinberg)	Environmental quality: jobs and economic improvement	This bill would allow CEQA streamlining for a project resulting 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.
Financing				
AB 1538 (Cook)	Recovery audits	This bill would require the Controller, State Auditor and the Director of Finance to prepare plans each year to meet their audit responsibilities and to meet and review their plans.	Watch	Referred to Committee on Business, Professions and Consumer Protection
AB 2069 (Solorio)	Sanitation, sewerage and water charges: collection.	The bill would require the transfer, conveyance or attachment to occur during the year preceding the date on which the first installment of property taxes that evidence charges appear on the tax roll in order to preclude the public agency's lien from attaching to the real property of the bona fide purchaser or encumbrancer for value.	Watch	May be heard in committee on March 25.
SB 1368 (Lowenthal)	Delta Flood Protection Fund	The bill would repeal obsolete provisions establishing the Delta Protection Fund and make conforming changes to existing law.	Watch	Read for first time

Natural Resources/Environment/Delta

AB 2363 (Chesbro)	Natural Habitat	Existing law (Habitat Maintenance Funding Act) requires that a local agency establish such a district for conservation of natural habitat. The bill requires specific authorization for the plan by certain statutes.	Watch	Read for first time
AB 1884 (Buchanan)	Delta Reform Act of 2009, covered actions	The bill would make technical, non-substantive changes to the act in the section defining covered actions under the Delta Plan	Watch	May be heard March 24
AB 2000 (Huber)	Delta Plan	The bill would state findings regarding the lack of information about the regulatory and environmental consequences of incorporating the BDCP into the Delta Plan.	Watch	May be heard March 25
AB 2423 (B. Berryhill)	Comprehensive Delta plan	The bill would make technical, non-substantive changes to provisions of the 2009 Delta Reform Act.	Watch	Read for the first time.
AB 1495 (Wolk)	Covered actions, Delta Reform Act 2009	The bill would exclude from the definition of covered action specified leases approved by special districts as well as dredging activities conducted by the federal government.	Watch	Read for the first time
AB 2443 (Williams)	Vessels, registration fee: mussels	The bill would authorize a county to assess a fee on vessels registered there to establish and operate a dreissenid mussel monitoring, inspection and eradication program.	Watch	Read for first time
SB 1251 (Evans)	Invasive species: Quagga mussels	The bill would state the intent of the Legislature to enact legislation to require the Dept. of Fish and Game to develop new statewide Quagga mussel prevention and management plan.	Watch	May be heard March 25
AB 1813 (Buchanan)	Delta Reform Act of 2009	The bill would make non-substantive changes to provisions of the Delta Reform Act on 2009 related to watershed diversion data and public reporting.	Watch	May be heard March 23

Regulatory

AB 1537 (Cook)	Regulations: sunset	The bill would require that new regulations that are estimated to have a \$1 million or more impact on business or individuals contain a provision requiring repeal two years after enactment.	Watch	Referred to Committee on Business, Professions and Consumer Protection.
AB 1543 (Alejo)	Public contracts: Buy American	The bill would repeal the provisions that prohibit the application of existing United States-made preferences for specified equipment.	Watch	Referred to Committee on Business, Professions and Consumer Protection
AB 1549 (Gatto)	Expedited permit review	The bill would require the Office of Permit Assistance to assist state and local agencies in streamlining the permit approval process as well as providing developers with information about required permits and the environmental process.	Watch	Referred to Committee on Local Government and Natural Resources Committee
AB 2208 (Perea)	Community water systems	The bill would require the State Dept. of Public Health to promote the consolidation and merger of small water systems in disadvantaged communities.	Watch	May be heard March 25
AB 2422 (Berryhill))	Reporting: State Water Resources Development System	The bill would make technical, non-substantive changes to the reporting requirements of the State Water Resources Development System.	Watch	Read for the first time.
SB 1146 (Pavley)	Reports, public availability	The bill would require the Dept. of Water Resources to make public reports on wells filed with the department.	Watch	Referred to Committee on Natural Resources
SB 1276 (Wyland)	Personal property: liens	The bill would make technical, non-substantive changes to the laws governing liens on personal property.	Watch	May be heard March 25
SB 1364 (Huff)	Water corporations	The bill would expand inspection provisions of the Public Utilities Act to authorize the inspection of accounts, books, papers and documents of any subsidiary of a water corporation.	Watch	Read for the first time



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ORIGINATING SECTION: ADMINISTRATIVE SERVICES

CONTACT: Tom Hughes

AGENDA DATE: March 21, 2012

ITEM NO. 11d

SUBJECT: STATUS REPORT ON SEPARATION EFFORTS

SUMMARY:

Legislative:

- Senator Mark DeSaulnier introduced SB 1337, Zone 7's separation bill on Friday, February 24, 2012. Senator Loni Hancock and Assembly Member Joan Buchanan are co-authors of the bill. It was introduced as a "spot bill" which means that it is only a brief summary filed as a "placeholder" while staff waits for the Legislative Analyst's Office (LAO) and the County to share any major concerns or comments they may have with the language in the draft bill. By the end of March, the language should be sufficiently vetted to proceed to a Senate committee review.

Employee Services:

- A draft MOU between Alameda County and Zone 7 has been created and we are expecting it to go to the Board of Supervisors in late March or early April and then to the Zone 7 Board in April.

Business Administration:

- Staff is making progress on the new financial software implementation. There is another on-site visit from the software vendor scheduled for the week of March 19th. The target date for fully implementing the software is still July 1, 2012.
- A meeting with Wells Fargo is scheduled for March 15, 2012 for a demonstration of their on-line account management software.
- Meetings with various County departments are being scheduled to continue transition collaboration and discussions.