



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, April 18, 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 March 21, 2012
5. Consent Calendar
 - a. Declaration of May as Water Awareness Month
 - b. Contract with Solano County Water Agency (SCWA) for the Proposition 84 Integrated Regional Water Management (IRWM) Grant
 - c. Award of Contract to Morrison & Associates, Inc., for Community Outreach, Water Education & Regional/Local Agency Coordination Support Services
 - d. ACWA General Election at Spring Conference
 - e. Authorize Granting Real Property on Portions of Arroyo Las Positas, Arroyo Seco and the Cross Valley Pipeline to the County of Alameda for the I-580 Eastbound Auxiliary Lane Project
 - f. Accept Easements from Paragon Outlets and City of Livermore for Relocated Cross Valley Pipeline and Vacate Abandoned Portion of Waterline Easement
6. Staffing Update:
 - a. New Employee Introduction
 - b. Employee of the Month Recognition
7. Contract for Temporary Financial Management Support Services

Recommended action: Adopt resolution.

8. Proposed FY 2012/13 Budget for Alameda County Transition from a July 1–June 30 Fiscal Year to a Calendar Fiscal Year 18-Month Transition Budget

Recommended action: Adopt resolution.

9. Committees – Finance Committee, March 19, 2012 - minutes
10. Reports – Directors
 - a. Verbal comments by President
 - b. Written report by Director Quigley
 - c. Verbal reports
11. Items for Future Agenda – Directors
12. Staff Reports (Information items. No action will be taken.)
 - a. General Manager’s Report
 - b. Recent Outreach Activities
 - c. Legislative Update
 - d. Status Report on Separation Efforts
 - e. Quarterly Update of Expansion Fund
 - f. 2011 Water Quality Management Program Annual Report
 - g. Toxic Sites Surveillance Program Annual Report for 2011
 - h. Verbal Reports
13. 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: 2 cases
 - 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
14. Open Session and Report Out of Closed Session
15. Adjournment
16. Upcoming Board Schedule: (All meeting locations are in the Board Room at 100 North Canyons Parkway, Livermore, California, unless otherwise noted)
 - a) Special Board Meeting: May 2, 2012, 7:00 p.m. (if needed)
 - b) Regular Board Meeting: May 16, 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.

April 18, 2012

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

March 21, 2012

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

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

DIRECTORS ABSENT: DIRECTOR FIGUERS

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING
RHETT ALZONA, SENIOR ENGINEER, FACILITIES ENGINEERING
TAMARA BAPTISTA, FINANCIAL AND SYSTEMS SERVICES MANAGER
JUDY RECTOR, BOARD SECRETARY

COUNSEL: MAYA FERRY STAFFORD, DOWNEY BRAND

Item 3 - Citizens Forum – None.

Maya Ferry Stafford from Downey Brand was introduced. She acted as General Counsel for this Board meeting due to David Aladjem's absence.

Item 4 - Minutes of the Regular Meeting of February 15, 2012

On a motion by Director Stevens with a second by Director Quigley, the minutes of the Regular Meeting of February 15, 2012, were approved by a voice vote of 6-0 with President Figuers absent.

Item 5 - Consent Calendar

Director Greci asked that Consent Item (a) be pulled and Director Quigley asked that Consent Item (f) be pulled for further discussion. On a motion by Director Moore with a second by Director Quigley, Consent Items b, c, d, e, g, h and i were approved by a voice vote of 6-0 with President Figuers absent.

Resolution 12-4170 Approved the Addendum to State of California Purchase Card Program Master Services Agreement with U.S. Bank and approve Zone 7 joining the CAL-Card program to obtain purchasing card services. (Item 5b)

- Resolution 12-4171 Authorized the General Manager to negotiate and execute an agreement with Alameda County Employees' Retirement Association (ACERA) for a 401(h) account (Item 5c)
- Resolution 12-4172 Authorized the General Manager to negotiate and execute an agreement with The Gualco Group, Inc. to provide government relations services for advocacy and legislative consulting. (Item 5d)
- Resolution 12-4173 Authorized the General Manager to negotiate and execute a services agreement for the area where Alameda County Water District's Sphere of Influence (SOI) and Zone 7's jurisdictional boundary overlap each other. (Item 5e)
- Resolution 12-4177 Authorized the General Manager to sign the contract with Southwest Environmental for the Direct Install High-Efficiency Toilet and Urinal Program. (Item 5g)
- Resolution 12-4178 Adopted Records and Information Management (RIM) Policy Framework to ensure protection and management of Zone 7 documents. (Item 5h)
- Resolution 12-4179 Authorized General Manager to negotiate and execute a contract with Kennedy/Jenks Consultants to provide Greenhouse Gas Analysis services for the Bay Area Regional Desalination Program (BARDP). (Item 5i)

Consent Item 5 (a), Public Entity Resolution for Banking Services, was pulled from the agenda by Director Greci and discussed separately. Director Greci asked if the \$5,600 one time setup charges with Wells Fargo Bank were negotiable since Zone 7 will have a substantial amount of money in their bank. Tamara Baptista, Financial Systems and Services Manager, responded that she is working with Wells Fargo but the setup fees are for Payment Manager which allows them to write checks for Zone 7 payroll and accounts payable; the setup fees are because of the checks.

On a motion by Director Greci with a second by Director Moore, Resolution 12-4169 was approved by a roll call vote of 6-0 with President Figuers absent.

Item 5 (f), Grant Easement to the City of Pleasanton for the Stoneridge Bridge Crossing over Arroyo Mocho, was pulled from the Consent Calendar by Director Quigley for further discussion. His concern is that this issue may not have gone through the Pleasanton Trail Ad Hoc Committee that the Council put together. If it is an engineering faux pas that could be corrected before building starts and permits are obtained, it could be recognized as a potential glitch and fixed. Director Quigley said if the south side could mimic the north side, it would be a good non-vehicular recreational pathway between Pleasanton and Livermore. He asked that the item be continued for thirty days to get more information rather than voted on at this meeting.

Vice-President Palmer commented that this issue is something that Pleasanton has gone through carefully in preparation for their EIRs and informing neighbors in that area. Zone 7 has been following this since 2008. Zone 7 could make suggestions to the City of Pleasanton but it is not Zone 7's business to tell them what to do in terms of trails.

Director Quigley said the Stream Management Master Plan, one of Zone 7's Board policies, does have a recreational element. Zone 7 seems to have been regularly protecting the passage of fish and

birds but we need to make sure we keep the passage of people intact in a similar way and he does not believe that has been done.

Director Stevens clarified that the agenda item is a request for an easement and has nothing to do with design, other than to assure there's no impact on flood control by granting the easement and staff has done that.

Director Moore added that there is sensitivity to this project and there will be an ongoing opportunity for all of the neighbors to comment.

Since there were no public comments, Director Greci made a motion to approve and Director Machaevich seconded the motion. A roll call vote was taken and the resolutions were passed by a 5-1-0 vote with Director Quigley voting no and President Figuers absent. The following resolutions were approved:

Resolution 12-4174 Recommended and requested that the Board of Supervisors of Alameda County Flood Control and water Conservation District grant an easement to the City of Pleasanton for Stoneridge Bridge Crossing. (Item 5f - 1)

Resolution 12-4175 Authorized the General Manager to accept and record the Grant of Easement from Continuing Life Communities Pleasanton LLC (CLC Development) for access on the lands designated and to execute a certificate of acceptance to be recorded at the Office of the Recorder of Alameda County. (Item 5f - 2)

Resolution 12-4176 Authorized the General Manager to accept and record the Grant of Access Easements from the City of Pleasanton for Arroyo Mocho Line G and to execute a certificate of acceptance to be recorded at the Office of the Recorder of Alameda County. (Item 5f -3)

Item 6 - Staffing Updates

Item 6 (a) – New Employee

Ms. Duerig welcomed Dominique Johnson, Account Clerk, to Zone 7. Ms. Johnson replaces one of the two Account Clerks that retired during the soft hiring freeze. Ms. Johnson was not present but Ms. Duerig detailed Ms. Johnson's extensive background and experience.

Item 6 (b) – Employee of the Month Recognition

Ms. Duerig congratulated Sara Whatley, Safety Technician, as the January 2012 Employee of the Month. Ms. Duerig recited examples of Ms. Whatley's contributions. Ms. Whatley was not present but the Board recognized and congratulated her in absentia.

Item 7 – Award of Contract for the Patterson Pass Water Treatment Plant Sanitary Sewer Pipeline Project

Assistant General Manager, Engineering, Kurt Arends explained to the Board that the Patterson Pass Water Treatment Plant was constructed in 1962 in an unincorporated area of Livermore and plant construction included installation of a septic tank system for sewage disposal because of the

lack of facilities in that area. Fifty years later this system is near the end of its useful life so it is time to replace it with a new septic system or connect to the City's sewer system. The City Council has agreed to provide service to the Water Treatment Plant which is a better solution environmentally and protects the groundwater basin. It also allows Zone 7 to dispose of materials such as the citric acid wash used at the UV filtration plant which is currently hauled away in a truck for disposal.

The project was advertised as 4,100 feet of 8-inch PVC pipe to be installed in the roadway. Eleven bids were received and the lowest bid is \$494,445; the engineer's estimate is \$519,000.

Director Palmer asked if Zone 7 would be saving money in terms of being able to dispose of some of our waste? Mr. Arends said Zone 7 would pay the Livermore plant to treat the materials in lieu of hauling costs, but it will be more convenient and safer than to haul it by truck.

General Manager Jill Duerig said that in the Environmental Impact Report, the septic tank at Patterson Pass was noted as failing, too, but by using the City's sewer, it allows Zone 7 to use something that is ecologically friendlier.

Director Machaevich commented that the lowest bid is not always the best and wanted to emphasize that the contract does state that there is a not-to-exceed amount of 10 percent, but he wants the contractor to know upfront that Zone 7 will stick to the contract and not go beyond the 10 percent cap; the current trend is for contractors to push this issue.

Director Moore noticed that many of the bids were above the engineer's estimate. He asked if we had any background on Mozingo Construction. Mr. Arends replied that to qualify as a bidder, they needed to meet the bonding requirements. The Board asked and was informed that Mozingo Construction is located in Oakdale. Mr. Arends said hopefully this is a straightforward project but whenever you have underground projects, unknown situations may be found.

It was confirmed that it is a prevailing wage job in response to Director Greci's question.

Director Machaevich said the key is that they are bonded which protects Zone 7. Mr. Arends added that the City will also be doing the inspections. When the City incorporates this area, it will become a City facility and it will be part of the City's sewer system so their inspections insure that it meets their requirements.

Director Moore moved and Director Greci seconded the motion to approve. Resolution 12-4180 was approved by a roll call vote of 6-0 with President Figuers absent.

Item 8. Committees – Finance Committee minutes will be available at the next Board meeting.

Item 9. – Reports – Directors

Vice-President Palmer reported that she was relaying President Figuers' verbal comment that the Directors keep the mission of Zone 7 in mind when dealing with the public.

Director Quigley added to his written comments by saying it was an honor to represent Zone 7 at the ACWA Washington DC meeting in February/March. He shared a briefing book on water issues that he brought back along with an ACWA delegate binder which is available for review with the Board Secretary. He also encouraged other Board members to attend the May ACWA Spring Conference in Monterey.

Director Moore shared that as part of the Tax Extension Bill signed in February, the National Safety Broadband system received \$7 billion so a nation-wide system can be developed that would include utilities to insure a reliable network. When asked how long before the Bay Area sees the system in place, he replied that the Bay Area is well positioned because of leadership so we will probably see it sooner than the projected five to seven years. There is not enough money to cover the entire country, probably half of what they need, but it is a great start to cover metropolitan areas and rural America where broadband service carriers do not make money so they do not provide service.

Director Quigley attended the Science and Engineering Fair which was larger than previous years. He saw three Zone 7 staff members, Boni Brewer, Brad Ledesma and Ralph Rodriguez, acting as judges and giving specific awards for the Zone 7 service area

Item 10. – Items for Future Agendas – Directors

Director Stevens stated that he has heard that in Canada they automatically choose the second highest bid. He asked that the practice be researched and confirmed. He mentioned past bids where the lowest bid was so much lower than the engineer's estimate. Usually the second, third and fourth bidders are within 5 percent of each other. Perhaps now is the time to establish it as a policy.

Ms. Duerig explained that California has its own public contracting code which limits Agency flexibility to adopt different kinds of policies. Staff can look into it and report back as a staff report and then decide whether it needs a full agenda item.

Director Moore's concern is what kind of due diligence is done on companies that we know nothing about. Do we actually check to make sure that they have completed projects that they claim to have done?

Ms. Duerig responded that especially on large projects, staff starts with a Request for Qualifications (RFQ) to pre-qualify companies to be able to bid.

Rhett Alzona, Senior Engineer, Facilities Engineering, said that Mozingo did complete a couple of almost \$250,000 projects.

Director Quigley asked for a tour of Chain of Lakes and the Parkside facilities since Zone 7 will have a new director coming in and all directors may not have visited those assets recently.

Two months ago there was a staff report on fleet inventory and, in an attempt to be Brown Act-compliant, Director Quigley requested that an e-mail be distributed to other Board members and maybe a brief fleet discussion on the agenda. Alameda County uses GPS in street sweepers and he has recommended that water agencies use them.

Item 11 – Staff Reports (Information items.)

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

Ms. Duerig gave a brief verbal report on the rain and snow recently but we are below half of normal for this time of year. There is no indication that the Department of Water Resources will increase the allocation and we will be lucky to hold on to it. The last snow survey is the first of April.

The Board went into closed session at 7:35 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
- 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

Item 13 - Open Session and Report Out of Closed Session

Vice-President Palmer said there was nothing to report when the Board came out of closed session.

Resolution 12-4181 Approved amendment to Appendix A, Footnotes to Salary Schedules, contained in the Memorandum of Understanding with the Alameda County Building and Construction Trades Council, adding Section 2.14 – Heavy Equipment Operator.

Director Machaevich moved and Director Greci seconded the motion and Resolution 12-4181 passed 6-0 with President Figuers absent.

Resolution 12-4182 Approved salary adjustments for unrepresented classifications for Cell Phone Reimbursement for personal cell phones or computer tablets used in the course of company business; and Technology Reimbursement up to \$600 bi-annually for personal technology devices used in the course of company business.

Director Moore moved and Director Greci seconded the motion and Resolution 12-4182 passed 6-0 with President Figuers absent.

The meeting was adjourned at 8:25 p.m.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: INTEGRATED PLANNING

CONTACT: Robyn Navarra/Carol Mahoney

AGENDA DATE: April 18, 2012

ITEM NO. **5a**

SUBJECT: Declaration of May as Water Awareness Month

SUMMARY:

- The California Water Awareness Campaign is a year-long effort by organizations throughout California to heighten public awareness about water use efficiency including the conservation, supply, quality and distribution of water.
- The Campaign kick-off occurs in May every year with a proclamation from the Governor and the observance of Water Awareness Month. Staff recommends recognizing Water Awareness Month with a board resolution, a financial contribution to the Campaign and various activities that recognize the vital role water plays in our lives.
- At the May board meeting, various presentations are planned in celebration of Water Awareness Month.
- In January 2012, Zone 7 submitted a sponsorship payment of \$2,056 to the 2012 California Water Awareness Campaign, which helps fund statewide activities.
- Staff recommends that the Board adopt the attached resolution, declaring the month of May as Water Awareness Month.

FUNDING:

Funding is available in Fund 72 (75%)—Renewal & Replacement and Fund 73 (25%)—Capital Expansion.

RECOMMENDED ACTION:

Adopt attached resolution declaring May as Water Awareness Month.

ATTACHMENTS:

- Memo providing additional background and discussion on agenda item
- Resolution

Interoffice Memo

Date: April 18, 2012
To: Jill Duerig, General Manager
From: Robyn Navarra, Water Conservation Coordinator
Subject: Declaring May as Water Awareness Month

BACKGROUND:

The California Water Awareness Campaign's (CWAC) mission is to increase public awareness about the need for all Californians to use water wisely. Formed in 1987 during a drought, the Campaign began with water conservation as its main theme. Since then, the theme has expanded to include the role that water plays in agriculture, industry, the environment and daily life. More information can be found on the Campaign's web site, <http://www.wateraware.org>. With the help of numerous donors, the CWAC annually reaches millions of California school children, residents and businesses who want to keep California's water healthy and flowing.

The Campaign is jointly sponsored by the Association of California Water Agencies (ACWA), California Farm Water Coalition, U.S. Bureau of Reclamation, California Groundwater Association, California Water Association, California Department of Water Resources, and various other urban and agricultural water agencies, as well as cities, counties, and other organizations throughout the state. Its members include approximately 300 water agencies, farm bureaus, cities, counties and businesses.

DISCUSSION:

In January 2012, Zone 7 continued to support CWAC with a sponsorship payment of \$2,056 for the 2012 California Water Awareness Campaign effort. In addition to this contribution, which helps fund such things as the "*Nice Save*" campaign, educational books and videos, and conservation outreach, staff recommends that Zone 7 continue to work with the water retailers on general programs to promote water awareness.

While California has made great strides in water conservation and efficiency in recent years, the collective impacts of drought, climate change, increased population demands, court ordered supply reductions and potential natural disasters make it clear that all water users will have to do much more in the coming years.

Since the Association of California Water Agencies (ACWA) was founded in 1910, representing and providing key services to members has been ACWA's most important charge. ACWA adopted its "Policy Principles" on Water Conservation and Water Use Efficiency to help frame the key issues that must be addressed and institutionalized to realize the significant forward progress that Californians must make to address the challenges before us. In May 2009, Zone 7 declared its support for the Policy Principles. ACWA's involvement at the state and federal level has helped shape laws and policies that affect ACWA member agencies and their customers. In many ways, the Policy Principles informed the development of SBX 7-7, the portion of the November 2009 landmark water legislation that dealt with conservation.

For this year, staff is finalizing plans for various Water Awareness Month Activities, including fun, grade-appropriate contests in the classrooms we visit dealing with water conservation; a water-conservation and stormwater-pollution awareness booth in Dublin (also planned as part of Dublin Pride Week), a water conservation display at the Pleasanton Library, a conservation workshop for professional landscapers and landscaping contract manager's; and providing water conservation handouts during the Bringing Back the Natives Garden Tour on May 6. Zone 7 recently released the new Water Efficient Landscape brochure and application. This brochure promote water efficient front yards by removing fifty percent of the current lawn and converting this area to drought tolerant, low water use plants. This brochure complements the update Water-wise Gardening website which now labels Bay-Friendly plants and a new list of drought tolerant plant in the valley.

Zone 7 will sponsor the California Landscape Irrigation Auditor training class and exam geared towards assisting landscape business personal to be certified as a landscape professional by the Irrigation Association. . Students receive CEU credits and a passing score will allow the students to advertise and promote water efficient practices to their clients. The dates are May 22-24, 2012

Zone 7 will sponsor the Qualified Water Efficient Landscaper (QWEL) training class and exam. Local residence, student, and first time landscapers are encouraged to attend. This is an 8 week course. Students are invited to take a test to Certified as a QWEL educator and qualified to provide professional assistance and information on outdoor hardware, plants, turf and their watering needs.

To celebrate Water Awareness Month, the Board will be asked next month to recognize winners of the Zone 7 water awards won during the recent Tri-Valley Science & Engineering Fair, and to recognize businesses in the Tri-Valley area for their water conservation efforts to enhance water efficiency in their place of business. Staff will also spend May continuing efforts to promote the large landscape program to businesses and schools for enhanced regional conservation.

RECOMMENDATION:

Adopt attached resolution declaring May as Water Awareness Month and declaring continued support for California Water Awareness Campaign and ACWA's Policy Principles on Water Conservation and Water Use Efficiency.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY:
SECONDED BY:

Declaring May as Water Awareness Month

WHEREAS, May 2012 has been declared as Water Awareness Month by the California Water Awareness Campaign, composed of urban and agricultural water agencies, cities, farm bureaus, and other organizations; and

WHEREAS, Water Awareness Month has been established to heighten public awareness for water and its many uses, and for the role our organization plays in conservation, water management, water supply, distribution and water quality; and

WHEREAS, it is important to develop an ethic of wise water use among the general public, business and industry;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District supports and declares May as Water Awareness Month.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: INTEGRATED PLANNING

CONTACT: Robyn Navarra/Carol Mahoney

AGENDA DATE: April 18, 2012

ITEM NO. **5b**

SUBJECT: Contract with Solano County Water Agency (SCWA) for the Proposition 84 Integrated Regional Water Management (IRWM) Grant

SUMMARY:

- In January 2011, Zone 7 participated in preparing and submitting a grant application for a Proposition 84 Integrated Regional Water Management Plan (IRWMP) implementation grant, along with various other Bay Area public agencies plus one non-profit organization.
- Zone 7 staff was the lead facilitator on preparing the water conservation piece of this grant application. With assistance from various participating agencies from the region, the conservation program grant write-up was completed, which estimated water savings and an associated budget for the water conservation piece consisting of six rebate programs.
- In August 2011 DWR announced an award to the Bay Area IRWMP "Region 1" for various projects such as water recycling, green infrastructure and the combined conservation project.
- The total Proposition 84 Conservation Grant to the Bay Area is \$9,190,695; with \$756,750 allocated to Zone 7. A portion of the total grant allocation (\$321,000) is also included for grant administration costs incurred by SCWA and the participating water agencies (staff time for reporting requirements). This conservation grant will provide funding to continue Zone 7's expanded conservation effort.
- The potential cumulative water savings for the Region 1 partners is approximately 36 thousand acre-feet over the next ten years. Staff estimates the water savings for the Tri-Valley over the next ten years is a little over three thousand acre-feet.

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 \$756,750, bringing Zone 7's contribution for this program down to \$491,979; plus additional reimbursement for staff reporting.

RECOMMENDATION:

Approve attached resolution authorizing the General Manager to execute an agreement with Solano County Water Agency (SCWA), who will administer the conservation portion of the Bay Area Proposition 84 IRWMP Grant.

ATTACHMENTS:

Background Memo
Resolution

Interoffice Memo

Date: April 18, 2012
To: Jill Duerig, General Manager
From: Robyn Navarra, Water Conservation Coordinator

Subject: **Contract with Solano County Water Agency (SCWA) for the Proposition 84 Integrated Regional Water Management Plan (IRWMP) Implementation Grant**

BACKGROUND:

Proposition 84 provides statewide funding for projects consistent with Integrated Regional Water Management Plans (IRWMPs) that meet new state requirements. In January 2011, water agencies from the nine Bay Area counties joined with other Bay Area agencies and non-profits to submit a grant application to DWR. This grant would help fund the implementation and operation of various regional water conservation, water recycling, ecosystem restoration, green infrastructure and flood management-watershed projects to be carried out by the participating agencies. DWR awarded the Bay Area the requested grant in August 2011.

The Bay Area Clean Water Agency (BACWA), which is a Joint Powers Authority, agreed to act as the lead agency for this grant and will be the single entity to execute the grant agreements with DWR on behalf of the other participating entities. Solano County Water Agency (SCWA) will, in turn, enter into an agreement with BACWA to receive the conservation portion of the grant funds and then, in turn, will enter into agreements with the remainder of Bay Area water agencies to disburse funding for the grant-related conservation programs.

As part of its grant administration duties, SCWA will collect data from the participating Bay Area water agencies detailing grant activity completed during each quarter. SCWA will then submit quarterly invoices to BACWA and BACWA will forward the invoices to DWR. Once grant funds are received, BACWA will send the funds to SCWA, who will then disburse the funds to the Bay Area water agencies.

The programs listed below will be subsidized by the Proposition 84 IRWMP Implementation Grant. Zone 7 collaborated with 11 Public Water Agencies and one non-profit on the Bay Area IRWMP Prop 84 Water Conservation Grant application. A total of \$33 million for the San Francisco Bay Area was awarded in August 2011, of which, a total \$14.9 million was awarded to the regional conservation programs through incentives which include 1) Water-Efficient Landscapes; 2) Water-Efficient Landscape Education; 3) Weather-Based Irrigation Controllers for Commercial-Industrial-Institutional (CII) customers; 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.

Table 1: Proposition 84 Integrated Regional Water Management Grant:

Project Title	Zone 7 Rebates	Minimum Rebate Cost/ Unit	Administration Unit Cost (L+B+Prof Serv.+OH)	Total Program Cost	DWR Cost (75% of Rebate Unit)	Agency Cost (25% of Rebate and 100% of Admin)
Water-Efficient Landscape Rebate	100,000 sq. ft.	\$0.50	\$0.21	\$71,150	\$37,500	\$33,650
Weather-based Irrigation Controller Rebate (SF)	600	\$20.00	\$13.57	\$20,143	\$9,000	\$11,143
Weather-based Irrigation Controller Rebate (CII/ MF)	400	\$30.00	\$7.54	\$15,016	\$9,000	\$6,016
High Efficiency Toilet and Urinal Rebate Program	2000	\$100.00	\$35.25	\$270,500	\$150,000	\$120,500
High Efficiency Toilet and Urinal Direct Install Program	1700	\$300.00	\$14.10	\$533,970	\$382,500	\$151,470
High Efficiency Washer Rebate	4500	\$50.00	\$25.10	\$337,950	\$168,750	\$169,200
Agency Grant Request Total				\$1,248,729	\$756,750	\$491,979

Note: Administrative cost of \$322,000 will be jointly shared with the 13 Water Conservation project participants for grant staff costs. This is not reflected in the above matrix.

Water-Efficient Landscape – Water-Efficient Lawn Conversion program goal is to replace 100,000 square feet of turf with low water use or drought tolerant plants over the next three years. In the first three months of this program and with little advertisement, Zone 7 has rebated approximately 1,500 square-feet of lawn. Since August and the announcement of the grant award, a new program brochure and application was designed to promote this Lawn Conversion program. It is anticipated over the next few months, Zone 7 will distribute a minimum of 500 brochures at local events.

Weather-based Irrigation Controller also known as “SMART” controllers, automatically adjust water times based on local weather conditions. Zone 7 does have a CII irrigation controller program as part of the Large Landscape Audit Support Services program. The grant funding will allow for the “SMART” controller program to be offered to single- and multi-family residences. Zone 7 can achieve great outdoor water savings if the product is made available to the consumer and the customers need additional incentives to make the financial investment. Zone 7 has rebated a total of 8 controllers to CII customers. The goal is to increase the number of rebates geared towards single and multi-family residences.

High-Efficiency Toilet (HET) and High-Efficiency Urinal (HEU) – Zone 7 currently has an HET and HEU program. The HET program has been hugely successful; however, there is room to grow with the HEU program. The grant funding will allow Zone 7 to tap into the non-residential section through advertisement and offering larger rebates amounts to CII customers.

In fact, some of the biggest opportunities for water savings are found in the CII sectors. In Zone 7's service area, CII customers account for 14% of total water use.

High-Efficiency Toilet (HET) Direct Install Program – Zone 7 is launching the “How Easy is That!” direct install program. Customers will have a toilet purchase and installed for free. This program has four phases. The first phase launched in April 2012 is geared towards low income single-family residence with a maximum of two toilets. Zone 7's water retailers have provided a list of their low income customers who participate in a Low Income Assistance program. In the next few weeks direct mailers will be sent to the customer to these customers seeking participation if they meet the qualifications. The goal is to replace 3.5 gallons per flush (gpf) with 1.28 gpf units. Phase 2 is geared toward single-family; Phase 3 – multi-family; and Phase 4 CII customers.

High-Efficiency Clothes Washer Program – Zone 7 already has a significant high-efficiency clothes washer rebate program available to single and multi-family residential customers. This is a dual energy and water rebate program with Pacific Gas and Electric Company (PG&E). This program began in 2008 and is still increasing in popularity and has been a huge success. Beginning in 2008, this program was partially funding by DWR Prop 50 grant funds for nine Public Water Agency's (PWAs) and collectively during the grant funding has processes in excess of 9,888 Tier 2 and 138,201 Tier 3 clothes washers totaling a water savings of 9,952.89 acre-feet. This program ended in December 2010, and the recent Prop 84 grant award will continue to provide funding through year 2013. This program is part of a long-term comprehensive effort to reduce pressure on the Bay-Delta system to meet regional and statewide water need.

Collaboration and participation in the IRWMP Proposition 84 grant proposal allowed staff to identify future conservation programs and identify alternative funding sources. This grant award will allow the agency to increase the number of incentives offered and address behavior and education programs.

RECOMMENDATION:

Authorize the General Manager to execute necessary documents with Solano County Water Agency (SCWA) who will administer the conservation portion of the grant for Bay Area Clean Water Agencies (BACWA) for the Bay Area Proposition 84 Integrated Regional Water Management Plan (IRWMP) Implementation Grant.

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Authorize the General Manager to Execute a Contract with Solano County Water Agency
for the Proposition 84 Integrated Regional Water Management Plan Grant**

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District, (Zone 7) is in partnership with other Bay Area water management agencies to improve water use efficiency in the Greater San Francisco Bay Area and Sacramento service area; and

WHEREAS, a grant application was submitted on behalf of the partnership to the Department of Water Resources (DWR) for grant funding from the State of California Proposition 84 Integrated Regional Water Management Plan (IRWMP) grant program; and

WHEREAS, partnership agencies have been notified that the application has been awarded to the Bay Area partners; and

WHEREAS, Bay Area Clean Water Agencies (BACWA) has agreed to be the grant administrator and Solano County Water Agency (SCWA) has agreed to be the co-administrator for the water conservation piece for the purposes of grant reporting, accounting and fiscal agent;

NOW, THEREFORE, BE IT RESOLVED, that Zone 7 Board of Directors does hereby approve and authorize the General Manager to negotiate and execute a the contract with SCWA Proposition 84 Integrated Regional Water Management Plan Grant on behalf of Zone 7.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

April 18, 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: Boni Brewer/Tom Pico

AGENDA DATE: April 18, 2012

ITEM NO. 5c

SUBJECT: Award of Contract to Morrison & Associates, Inc., for Community Outreach, Water Education & Regional/Local Agency Coordination Support Services

SUMMARY:

- Zone 7's consultant contract for community outreach, water education and regional/local agency coordination support services aims to leverage subject matter expertise in water issues, water science, knowledge of the local community, and strategic communications in support of Zone 7 programs and projects.
- In January of this year, Zone 7 issued a new Request for Proposals for these services. Of the three responses received, a rating panel selected Morrison & Associates, Inc., as the best qualified to provide these services.
- Staff recommends authorizing a contract with Morrison & Associates, Inc., covering a three-year period, from July 1, 2012 through June 30, 2015, with the potential for up to two one-year extensions at Zone 7's discretion. The three-year contract would Zone 7 manage costs, with no increase from the current contract amount.
- Including allowable reimbursable expenses, the maximum annual compensation under the initial three-year contract would be \$179,000. Optional extensions would be upon mutually-agreeable terms and would come back to the Board for approval since they exceed the General Manager's authority level.

FUNDING:

Funding for this contract is available from Fund 50-Flood Control and Fund 52-Water Enterprise.

RECOMMENDED ACTION:

By resolution, authorize and direct the General Manager to negotiate and execute an as-needed professional services contract for the period from July 1, 2012 through June 30, 2015 with Morrison & Associates, Inc., for community outreach, water education and regional/local agency coordination support services, in an annual amount not to exceed \$179,000.

ATTACHMENTS:

Memo with Additional Detail
Proposal
Resolution

Interoffice Memo

Date: April 18, 2012
To: Jill Duerig, General Manager
From: Boni Brewer, Communications Specialist
Subject: Contract for Community Outreach, Water Education and Regional/Local Agency Coordination Support Services

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

BACKGROUND:

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

In January of this year, staff issued a new Request for Proposals for "Community Outreach, Water Education and Regional/Local Agency Coordination Support Services," sending to qualified firms. Three proposals were received from:

- Morrison & Associates, Inc.
- Math Science Nucleus
- Davis & Associates Communications

After reviewing all three written proposals, a rating team comprised of Zone 7 staff representatives selected Morrison & Associates, Inc. as the best qualified to provide the needed professional services support for the outreach program.

DISCUSSION:

In FY 2011/12, Morrison & Associates (M&A) accomplished the following:

- **Schools Program (K-12):** This year's Zone 7 Schools Program was again highly successful. The number of classroom presentations either completed or scheduled through the end of the school year by M&A total 325, involving approximately 8,000 students, primarily in elementary schools. The material covered is designed to meet state science standards for the target grade levels. Numbers of presentations have substantially increased over time largely due to administrative efficiencies, and feedback from teachers continues to be positive.
- **Community Outreach:** M&A in FY 2011-12 supports agency participation in the Earth Day Festival in Pleasanton, Dublin Pride Week, Valley Children's Museum promotional activities, two Home & Garden Shows at the Alameda County Fairgrounds, the Sunol Spring Wildflower Festival, the Girl Scouts 100th Anniversary Celebration and other community events. It assisted with media outreach on Coastal Cleanup events in Pleasanton and Dublin, and during the month of May will be providing focused messaging at events and in the

schools to mark Water Awareness Month. It also has been working with Zone 7 staff on developing a series of new banners for public events. Helped staff the Clean Water Program booth at last year's Alameda County Fair and worked with public affairs staff in developing new materials promoting stormwater pollution prevention. M&A provided a workshop about water-wise plants at a local nursery; continued to develop, in consultation with Zone 7 public affairs staff, new materials for promoting water conservation at local nurseries; and refined conservation giveaways. Participated in two science fairs.

- Through government relations work, helped Zone 7 attract grant funding.

Planned tasks within the scope of the proposed 2012-2015 contract include:

- **Schools Program (K – 12):** Develop and deliver classroom presentations and science day/fair displays and booths covering topics ranging from watershed and creek protection to storm drain protection, water quality and water conservation.
- **Community Outreach:** Plan, coordinate and execute special events, such as annual Earth Day events, participate in other local community events, including Home and Garden Shows, creek walks and cleanups.
- **Regional/Local Agency Coordination Support Services:** On an as-needed basis, assist Zone 7 management in its communications and liaison efforts with retailers, other Bay Area water resource agencies, other local government entities and water resource regulatory agencies in Sacramento. This may involve serving as a liaison with regional coalitions, such as the Bay Area Integrated Regional Water Management Plan and professional organizations such as the Association of California Water Agencies, Bay Area Flood Protection Agencies Association. It may involve evaluating Zone 7 projects and seeking funding from appropriate bond initiatives, such as Propositions 84 and 1E or other grant monies available for Zone 7 projects.
- **Clean Water Program:** On an as-needed basis, support Zone 7 staff in responding to public outreach requirements and other administrative requirements of the Alameda Countywide Clean Water Permit (ACCWP).
- **Strategic Assistance:** Provide as-needed support for the Public Information Officer.

RECOMMENDATION: Staff proposes authorizing the General Manager to negotiate and execute a contract with Morrison & Associates, Inc., in an annual amount not to exceed \$179,000 annually. This reflects no increase from the current contract level.



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

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

on the Web
www.morrisonassociates.com

April 4, 2012

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

Subj: Contract to Provide Consulting Services for the next three fiscal years beginning July 1, 2012

Dear Ms. Brewer:

Morrison & Associates, Inc. is pleased to have been selected to continue to serve Zone 7 Water Agency for the next three years beginning July 1, 2012, by providing a variety of consulting services. Below is a discussion of the tasks and costs in each support category. Please note the total costs have not increased over last year.

Schools Program

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

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

It is recommended that funding for this task continue to be \$75,000.

Community Outreach

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

It is recommended that funding for this task continue to be set at \$48,200.

Graphics Support for Community Outreach

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

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

Clean Water Program Staff Support

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

We suggest that the funding for this task continue to be \$5,000.

Regional/Local Agency Coordination Support

This task entails assisting Zone 7 management in its communications and liaison efforts with retailers, other Bay Area water resource agencies and regulatory agencies in Sacramento.

Funding for this task includes what previously was strategic support and is recommended to be \$45,800, the total of the two tasks last year.

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

TASK	Budgeted for FY 2011//2012	Proposed Budget FYs 2012/2015
Schools Program	\$75,000	\$75,000
Community Outreach	48,200	48,200
Outreach Graphics	5,000	5,000
CWP Staff Support	5,000	5,000
Agency Coordination	44,800	45,800
Strategic Support	1,000	
Totals	\$179,000	\$179,000

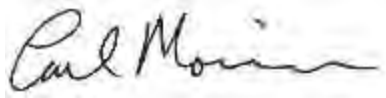
Billing and Rates

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

Position	Hourly rate
Principal	\$180
Senior associates	\$140
Graphic Artist	\$130
Associates	\$110

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Carl Morrison". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carl Morrison
President

enclosure

Morrison & Associates, Inc.
Zone 7 Water Agency
FYs 2012/2013, 2013/2014, 2014/2015 Cost Proposal
Community Outreach, Water Education, and Regional/Local Agency Coordination Support Services

Tasks	Subtasks	FYs 2012/2013, 2013/2014, 2014/2015 Proposed Budget							
		Position	Skill	Rate	Hours	Total	Consulting	Mat/Subs	Total
Schools Program	Schools and other	Principal	Supervisor	\$ 180	3	\$ 540			
(Grades K-12)	presentations	Sen Assoc	Asst Spvsr	\$ 140	40	\$ 5,600			
		Associate	Teacher	\$ 110	550	\$ 60,500			
Schools Program Total						\$ 66,640	\$ 66,640	\$ 8,360	\$ 75,000
Community Outreach	Earth Day and	Principal	Supervisor	\$ 180	4	\$ 720			
	other community	Sen Assoc	Technical/Spvsr	\$ 140	140	\$ 19,600			
	events	Associate	Technical	\$ 110	190	\$ 20,900			
Community Outreach Total						\$ 41,220	\$ 41,220	\$ 6,980	\$ 48,200
Graphics for Comm Outreach		Associate	Graphic Artist	\$ 130	36	\$ 4,680			
Graphics for Comm Outreach Total							\$ 4,680	\$ 320	\$ 5,000
CWP Staff Support	Clean Water PIP	Principal	Supervisor	\$ 180	1	\$ 180			
		Sen Assoc	Tech/Regulatory	\$ 140	32	\$ 4,480			
CWP Staff Support Total						\$ 4,480	\$ 4,480	\$ 520	\$ 5,000
Regional/Local Agency	Interagency support,	Principal	Tech/Regulatory	\$ 180	245	\$ 44,100			
Coordination	grants, regulatory	Sen Assoc	Technical	\$ 140	5	\$ 700			
	agency work								
Regional/Local Agency Coordination Total						\$ 44,800	\$ 44,800	\$ 1,000	\$ 45,800
GRAND TOTAL							\$ 157,140	\$ 16,860	\$ 179,000

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

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

WHEREAS, professional services for Zone 7 are needed to assist staff in providing community outreach, water education and local/regional agency coordination for the period from July 1, 2012 through June 30, 2015; and

WHEREAS, following a request for proposals and a review of the three proposals received, Morrison & Associates, Inc., was deemed the most qualified firm to provide community outreach, water education and local/regional agency professional support services;

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 professional services contract with Morrison & Associates, Inc., for the period from July 1, 2012 through June 30, 2015 in an annual amount not to exceed \$179,000.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

April 18, 2012

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: April 18, 2012

ITEM NO. 5d

SUBJECT: ACWA GENERAL ELECTION AT SPRING CONFERENCE

SUMMARY:

The Association of California Water Agencies (ACWA) will be voting on a proposed amendment to the Bylaws (see attached). As in the past, ACWA requests that each member agency designate its voting representative.

This year, the ACWA Board has reviewed proposed changes from Region 10, as further developed by an Ad Hoc Committee of the Board. The result of this effort is that several key changes are being proposed (outlined in the attached).

Staff recommends naming a voting representative and providing direction for casting Zone 7's vote. A draft resolution has been prepared assuming the board decides to concur with the ACWA Board's recommendations and decides to authorize the Board President, who is planning to attend the Spring Conference, to cast such a vote.

FINANCIAL:

There are no costs associated with this item since the Board President is already attending the Spring Conference.

RECOMMENDED ACTION:

Adopt attached Resolution.

Attachment: Resolution
Memorandum

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

Designating Zone 7's Voting Member on Proposed Changes to the ACWA Bylaws

WHEREAS, the Association of California Water Agencies (ACWA) has requested that each member agency designate a person to cast the agency's vote in its Officer Elections; and

WHEREAS, President Sandy Figuers plans to attend the Spring Conference in Monterey.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District hereby authorizes President Sandy Figuers to cast the Zone 7 Water Agency vote on proposed amendments to the ACWA Bylaws.

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

April 18, 2012

By _____
President, Board of Directors



Association of California Water Agencies
910 K Street, Suite 100,
Sacramento, California 95814-3577
916.441.4545 FAX 916.325.4849

Hall of the States
400 N. Capitol St., N.W., Suite 357 South,
Washington, D.C. 20001-1512
202.434.4760 FAX 202.434.4763
www.acwa.com

MEMORANDUM

TO: ACWA Public Agency Members
General Managers and Board Presidents

CC: ACWA Board of Directors

FROM: Randy Record, ACWA President
John A. Coleman, ACWA Vice President

DATE: April 3, 2012

SUBJECT: General Session Membership Meeting at ACWA's 2012 Spring Conference – May 9, 2012

There will be a General Session Membership Meeting of the ACWA membership at ACWA's 2012 Spring Conference in Monterey, California, on Wednesday, May 9. The purpose of this meeting is to conduct a vote by the membership on proposed amendments to the bylaws recommended by the ACWA Board of Directors at its meeting of March 30. The proposed bylaws amendments are attached hereto. The bylaws amendments represent several clean-up items from the comprehensive amendments approved by the membership on December 1, 2010.

As reviewed and recommended by the Legal Affairs Committee and ACWA Board of Directors, the significant changes in the draft amended bylaws include:

- Per the recommendation from Region 10, clarifying the respective roles of the Board and the Executive Committee, making clear that the Board retains ultimate authority for the Association.
- Per the recommendation from Region 10, separating the role of the Executive Director from the Treasurer.
- Inclusion of a code of conduct for Board Members, to be developed and enforced by the Board.
- Conversion of the Insurance and Personnel Committee into a Personnel and Benefits Committee, in light of HBA's independence from ACWA.

- Elevation of the Membership Committee from special committee to standing committee status, with a seat on the ACWA Board of Directors.
- Updating of the qualifications for State Legislative Committee members in light of the Association's focus on regions rather than types of districts.

The Board of Directors recommends adoption of these bylaws amendments through a vote of the membership. Scott Shapiro, chair of the Legal Affairs Committee, is available in advance of the meeting of the membership to answer any questions you may have (916-520-5234 or sshapiro@downeybrand.com) and will also provide a brief overview of these changes during the General Session Membership Meeting before the item is called for a vote.

MEMBERSHIP VOTING PROCESS

Each member agency **present** will be issued one proxy card for voting purposes. Proxy cards will be available for pick up on **Wednesday, May 9, 2012**, between **9:00 a.m.** and **1:00 p.m.** at the **General Session Proxy Desk** in the **De Anza Foyer** area of the Portola Plaza Hotel, outside of the **De Anza Ballroom** where the luncheon and General Session Membership meeting will be held. Members are allowed one proxy card per agency, and a representative of the agency will be required to register and sign as the proxy holder.

To expedite the sign-in process at the **General Session Proxy Desk**, please indicate your voting designee on the enclosed proxy form and return it by fax (**916-554-2350**) or e-mail (**donnap@acwa.com**) at your earliest convenience. If there is a last minute change of delegate, please let us know before the meeting date by contacting ACWA's Executive Assistant/Clerk of the Board, Donna Pangborn, at 916-441-4545 or donnap@acwa.com.

If you have any questions, do not hesitate to contact us by telephone or e-mail.

dgp

Enclosures:

1. General Session Membership Meeting – Agenda, May 9, 2012
2. General Session Membership Meeting – Minutes, November 30, 2011
3. Draft ACWA Bylaws Amendments – Redline Version
4. Draft ACWA Bylaws Amendments – Clean Version
5. Proxy Form

**ASSOCIATION OF CALIFORNIA WATER AGENCIES
GENERAL SESSION MEMBERSHIP MEETING**

WEDNESDAY, MAY 9, 2012

TO: Donna Pangborn, Executive Assistant/Clerk of the Board

FAX: 916-554-2350

E-MAIL: donnap@acwa.com

The person designated below will be attending the ACWA General Session Membership Meeting on **Wednesday, May 9, 2012**, as our voting delegate.

Signature of Delegate: _____

Printed Name of Delegate: _____

Member Agency: _____

Telephone Number: _____

E-mail: _____

Date: _____

REMINDER: Proxy cards will be available for pick up on **Wednesday, May 9, 2012**, between **9:00 a.m.** and **1:00 p.m.** at the **General Session Proxy Desk** in the **De Anza Foyer** area of the **Portola Plaza Hotel**, outside of the **De Anza Ballroom** where the luncheon and General Session Membership meeting will be held.



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: April 18, 2012

ITEM NO. 5e

SUBJECT: Authorize Granting Real Property on Portions of Arroyo Las Positas, Arroyo Seco and the Cross Valley Pipeline to the County of Alameda for the I-580 Eastbound Auxiliary Lane Project

SUMMARY:

- The State of California Department of Transportation (Caltrans), acting through and the Alameda County Transportation Commission (ACTC) and the County of Alameda, is constructing eastbound auxiliary lanes on I-580 from Isabel Avenue to First Street in Livermore.
- Portions of Zone 7-owned Arroyo Las Positas, Arroyo Seco and the Cross Valley Pipeline Right-of-way are required for this Auxiliary Lane project. Some portions are required in fee or easement interest and some as temporary construction easements (TCE).
- To expedite the right-of-way acquisition process, the ACTC has asked Alameda County to take title to the property for this project segment and transfer the title to Caltrans at a later date.
- The fee interest properties total 7,828 sq. ft., the permanent easement areas total 6,944 sq. ft. and the TCE's, which expire on December 31, 2014, total 8,058 sq. ft. Alameda County Public Works Agency staff, acting as Right-of-Way Agents for the ACTC, has estimated the fair market value for all of the real property to be \$17,150.
- Zone 7 staff has reviewed the proposed I-580 eastbound lane improvements and determined that they will not adversely impact Zone 7 property. Accordingly, the fee property needed for the project is no longer required by Zone 7 and the granting of the easements will not conflict with the use of the property for the purposes for which it was obtained.

FUNDING:

The County of Alameda has offered \$17,150 based on a fair-market appraisal as just compensation for the acquisition of the real property rights.

RECOMMENDED ACTION:

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

ATTACHMENTS:

- Memo providing additional background and discussion
- Resolution
- Vicinity and Right of Way Maps (Nos. RE-10003, 10004 & 10005)
- Real Property Purchase Contracts
- Grant Documents

INTEROFFICE MEMO

Date: April 18, 2012
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer

Subject: Authorize Granting Real Property on Portions of Arroyo Las Positas, Arroyo Seco and the Cross Valley Pipeline to the County of Alameda for the I-580 Eastbound Auxiliary Lane Project

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

BACKGROUND:

The State of California Department of Transportation (Caltrans), acting through and the Alameda County Transportation Commission (ACTC) and the County of Alameda, is constructing eastbound auxiliary lanes on I-580 from Isabel Avenue to First Street in Livermore and making other related improvements. Portions of Zone 7-owned Arroyo Las Positas (Line H), Arroyo Seco (Line P) and Cross Valley Pipeline Right of Way are required by ACTC for this Eastbound Auxiliary Lane project. Some portions are required in fee or easement interest and some as temporary construction easements (TCE). To speed up the acquisition process, the ACTC has asked Alameda County to take title to the property for this project segment and transfer the title to Caltrans at a later date.

DISCUSSION:

The three fee interest properties total 7,828 sq. ft., the three easements total 6,944 sq. ft. and the two TCE's, which expire on December 31, 2014, total 8,058 sq. ft. Alameda County Public Works Agency staff, acting as Right of Way Agents for the ACTC, has estimated the fair market value for all of the real property to be \$17,150. The real property required is listed in the table below.

<u>REAL PROPERTY REQUIRED FROM ZONE 7</u>					
State Parcel #	Zone 7 Parcel #	Fee sq. ft.	Permanent Easement sq. ft.	TCE sq. ft.	Compensation
<i>Arroyo Las Positas</i>					
62035-1	70163	5,787	-----	-----	\$ 7,812.45
62035-2	70164	336	-----	-----	\$ 453.60
62035-3	70165	-----	4,476	-----	\$ 1,000.00
62035-4	70166	-----	535	-----	<u>\$ 1,000.00</u>
			Subtotal (Rounded)		\$10,300.00
<i>Cross Valley Pipeline</i>					
62062-1	70167	-----	-----	6,264	\$ 1,000.00
<i>Arroyo Seco</i>					
62071-1	70168	1,705	-----	-----	\$ 3,836.25
62071-2	70169	-----	1,933	-----	\$ 1,000.00
62071-3	70170	-----	-----	1,794	<u>\$ 1,000.00</u>
			Subtotal (Rounded)		\$ 5,850.00
Totals		7,828	6,944	8,058	\$17,150.00

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

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 property rights are to be granted, the Board of Supervisors of the Alameda County Flood Control and Water Conservation District is required to approve the conveyance to the County of Alameda. To that end, the Zone 7 Board of Directors would request and authorize the District Board to approve the proposed conveyances.

RECOMMENDED ACTION:

Staff recommends that the Zone 7 Board request and authorize the Board of Supervisors of Alameda County Flood Control and Water Conservation District to grant the real property to the County of Alameda and authorize the General Manager to sign the Real Property Purchase Contract consenting to the granting of the real property.

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Approval of Grant Deeds, Easements and Temporary Construction Easements on Portions of
Arroyo Las Positas, Arroyo Seco and Cross Valley Pipeline to the County of Alameda for the I-580
Eastbound Auxiliary Lane Project**

WHEREAS, Alameda County Flood Control and Water Conservation District, Zone 7 is the owner of the real property known as Arroyo Las Positas, Arroyo Seco and Cross Valley Pipeline; and

WHEREAS, the County of Alameda has requested fee properties, permanent easements and temporary construction easements (TCE), as part of a project to construct an Eastbound Auxiliary Lane on I-580 from Isabel Avenue to First Street in Livermore; and

WHEREAS, fee simple property totaling 7,828 square feet, permanent easements totaling 6,944 square feet and TCE's totaling 8,058 square feet, which are more particularly designated and described in Exhibit A (Nos. 70163-70170), are the portions of the real property required from Alameda County Flood Control and Water Conservation District for said Auxiliary Lane Project on I-580; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby request and recommend that the Board of Supervisors of Alameda County Flood Control and Water Conservation District approve granting said real property and does authorize the President of the Board of Supervisors to execute same.

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

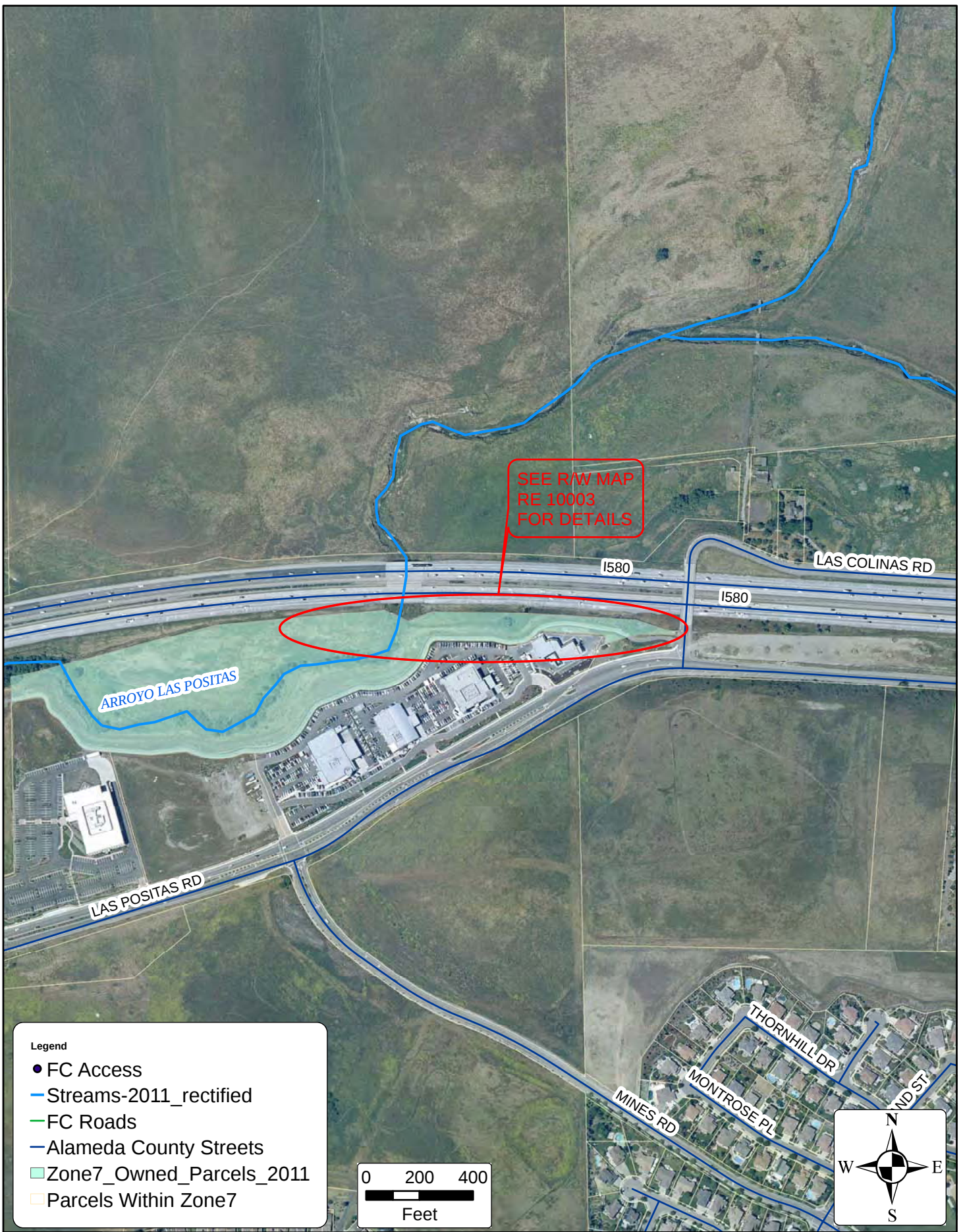
ABSTAIN:

Line H, Line P and Cross Valley Pipeline
Nos. 70163-70170
Map Nos. RE 10003, RE 10004, RE 10005

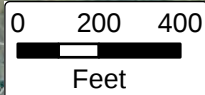
I certify that the foregoing is a correct copy of a resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on

April 18, 2012

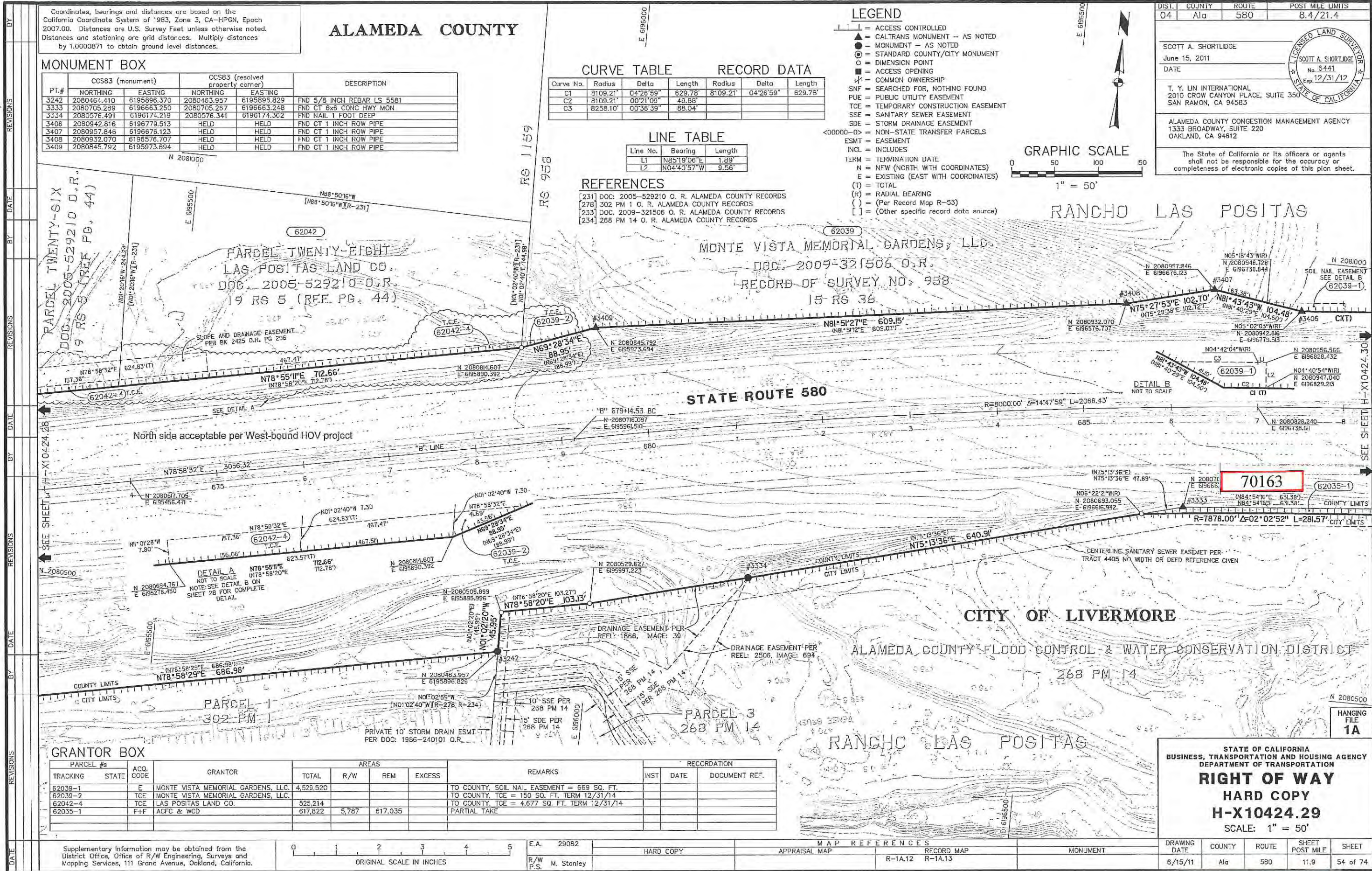
By _____
President, Board of Directors

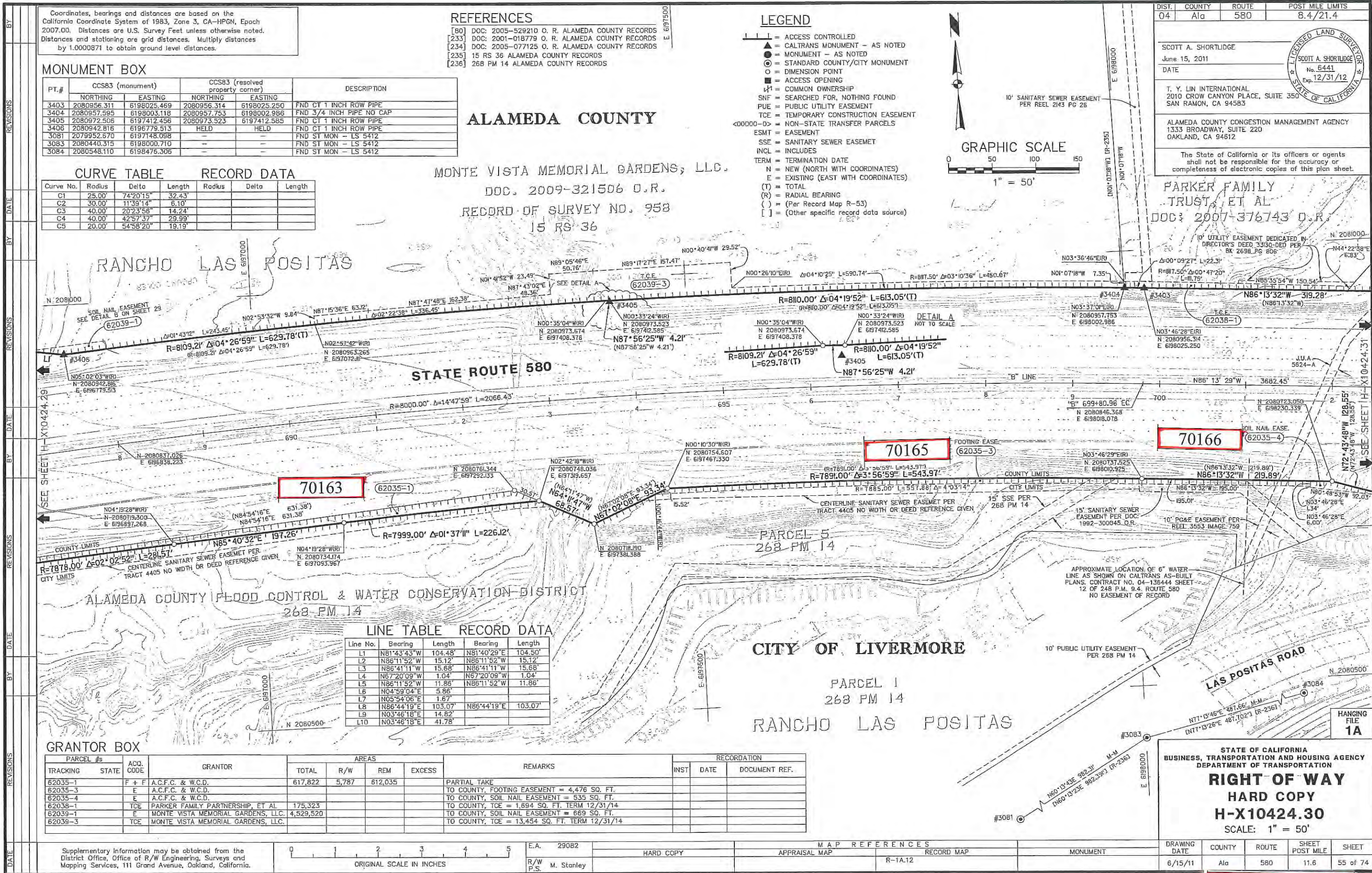


- Legend
- FC Access
 - Streams-2011_rectified
 - FC Roads
 - Alameda County Streets
 - Zone7_Owned_Parcels_2011
 - Parcels Within Zone7



	ZONE 7 WATER AGENCY 100 North Canyons Parkway Livermore, CA		DRAWN: BW	SCALE: AS SHOWN	Vicinity Map RE 10003
			REVIEWED: BW	DATE: 4/6/2012	
			File:	FIGURE #	





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

MONUMENT BOX

PT.#	CCS83 (monument)		CCS83 (resolved property corner)		DESCRIPTION
	NORTHING	EASTING	NORTHING	EASTING	
3403	2080956.311	6198025.469	2080956.314	6198025.250	FND CT 1 INCH ROW PIPE
3404	2080957.595	6198003.118	2080957.753	6198002.986	FND 3/4 INCH PIPE NO CAP
3405	2080972.506	6197412.456	2080973.523	6197412.585	FND CT 1 INCH ROW PIPE
3406	2080942.816	6196779.513	HELD	HELD	FND CT 1 INCH ROW PIPE
3081	2079952.670	6197148.098	—	—	FND ST MON - LS 5412
3083	2080440.315	6198000.710	—	—	FND ST MON - LS 5412
3084	2080548.110	6198476.306	—	—	FND ST MON - LS 5412

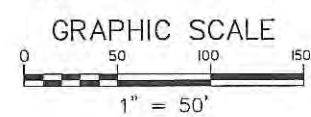
CURVE TABLE			RECORD DATA		
Curve No.	Radius	Delta	Length	Radius	Delta
C1	25.00'	74°20'15"	32.43'		
C2	30.00'	11°39'14"	6.10'		
C3	40.00'	20°23'56"	14.24'		
C4	40.00'	42°57'37"	29.99'		
C5	20.00'	54°58'20"	19.19'		

REFERENCES
[80] DOC: 2005-529210 O. R. ALAMEDA COUNTY RECORDS
[233] DOC: 2001-018779 O. R. ALAMEDA COUNTY RECORDS
[234] DOC: 2005-077125 O. R. ALAMEDA COUNTY RECORDS
[235] 15 RS 36 ALAMEDA COUNTY RECORDS
[236] 268 PM 14 ALAMEDA COUNTY RECORDS

ALAMEDA COUNTY

MONTE VISTA MEMORIAL GARDENS, LLC.
DOC. 2009-321506 O.R.
RECORD OF SURVEY NO. 958
15 RS 36

- LEGEND
- ACCESS CONTROLLED
 - CALTRANS MONUMENT - AS NOTED
 - MONUMENT - AS NOTED
 - STANDARD COUNTY/CITY MONUMENT
 - DIMENSION POINT
 - ACCESS OPENING
 - COMMON OWNERSHIP
 - SNF = SEARCHED FOR, NOTHING FOUND
 - PUE = PUBLIC UTILITY EASEMENT
 - TCE = TEMPORARY CONSTRUCTION EASEMENT
 - NON-STATE TRANSFER PARCELS
 - ESMT = EASEMENT
 - SSE = SANITARY SEWER EASEMENT
 - INCL = INCLUDES
 - TERM = TERMINATION DATE
 - N = NEW (NORTH WITH COORDINATES)
 - E = EXISTING (EAST WITH COORDINATES)
 - (T) = TOTAL
 - (R) = RADIAL BEARING
 - () = (Per Record Map R-53)
 - [] = (Other specific record data source)



DIST. COUNTY ROUTE POST MILE LIMITS
04 Ala 580 8.4/21.4

SCOTT A. SHORTLIDGE
June 15, 2011
DATE

T. Y. LIN INTERNATIONAL
2010 CROW CANYON PLACE, SUITE 220
SAN RAMON, CA 94583

ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
1333 BROADWAY, SUITE 220
OAKLAND, CA 94612

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

STATE OF CALIFORNIA
LICENSED LAND SURVEYOR
SCOTT A. SHORTLIDGE
No. 6441
Exp. 12/31/12

PARKER FAMILY TRUST, ET AL
DOC: 2007-376743 O.R.

LINE TABLE		RECORD DATA	
Line No.	Bearing	Length	Bearing
L1	N81°43'43"W	104.48'	N81°40'29"E
L2	N86°11'52"W	15.12'	N86°11'52"W
L3	N86°41'11"W	15.68'	N86°41'11"W
L4	N67°20'09"W	1.04'	N67°20'09"W
L5	N86°11'52"W	11.86'	N86°11'52"W
L6	N04°59'04"E	5.86'	
L7	N05°54'06"E	1.67'	
L8	N86°44'19"E	103.07'	N86°44'19"E
L9	N03°46'18"E	14.82'	
L10	N03°46'18"E	41.78'	

GRANTOR BOX		AREAS		REMARKS	RECORDATION	
PARCEL #s	ACQ. CODE	TOTAL	R/W		INST	DATE
62035-1	F + F	617,822	5,787	612,035		
62035-3	E					
62035-4	E					
62038-1	TCE	175,323				
62039-1	E	4,529,520				
62039-3	TCE					

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY
HARD COPY
H-X10424.30
SCALE: 1" = 50'

DRAWING DATE COUNTY ROUTE SHEET POST MILE SHEET
6/15/11 Ala 580 11.6 55 of 74

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

REFERENCES

- [80] DOC: 2007-376744 O.R. ALAMEDA COUNTY RECORDS
- [81] DOC: 1988-313946 O. R. ALAMEDA COUNTY RECORDS
- [82] BK 8061 PG 455 O. R. ALAMEDA COUNTY RECORDS
- [237] 14 RS 51 ALAMEDA COUNTY RECORDS
- [236] 268 PM 14 ALAMEDA COUNTY RECORDS

MONUMENT BOX

PT.#	CCS83 (monument)		CCS83 (resolved property corner)		DESCRIPTION
	NORTHING	EASTING	NORTHING	EASTING	
3083	2080440.341	6198000.706	—	—	FND ST MON LS 5412
3084	2080548.110	6198476.306	—	—	FND ST MON LS 5412
3337	2080603.022	6199581.499	2080603.013	6199581.108	FND CT 6x6 CONC HWY MON
3338	2080633.135	6199594.159	2080633.101	6199593.774	FND CT INCH ROW PIPE
3398	2080845.310	6199691.831	2080845.393	6199691.447	FND CT INCH ROW PIPE
3399	2081017.536	6199618.320	2081017.829	6199618.421	FND CT 6x6 CONC HWY MON
3400	2080897.283	6199452.878	2080897.240	6199452.392	FND CT 6x6 CONC HWY MON
3401	2081087.188	6198620.995	2081087.527	6198620.910	FND CT 6x6 CONC HWY MON
3402	2081100.716	6198416.737	2081101.028	6198416.376	FND CT 6x6 CONC HWY MON

ALAMEDA COUNTY

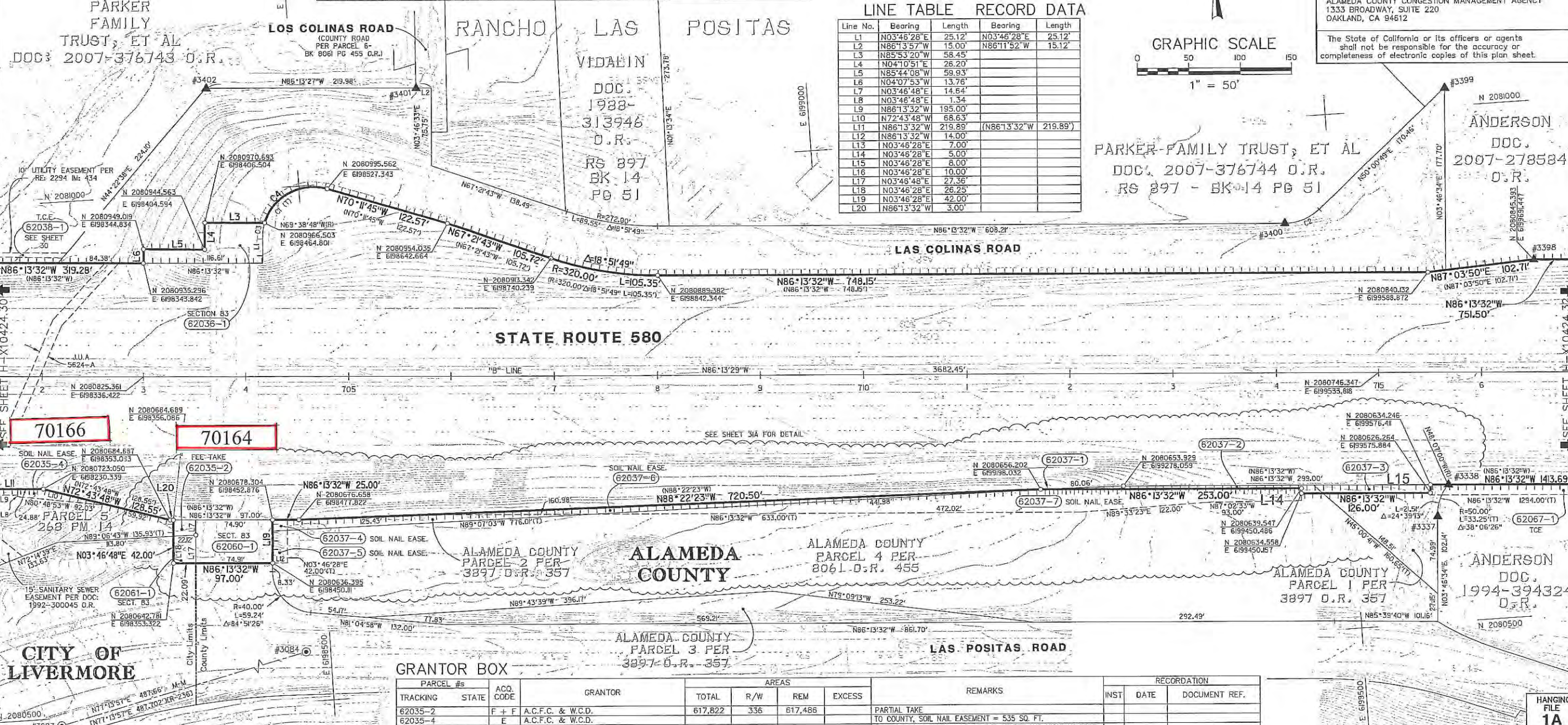
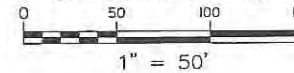
CURVE TABLE RECORD DATA

Curve No.	Radius	Delta	Length	Radius	Delta	Length
C1	49.00'	106°01'47"	90.68'	49.00'	106°01'47"	90.68'
C2	50.00'	43°45'39"	38.19'	49.99'	43°45'45"	38.18'
C3	49.00'	16°34'44"	14.18'			
C4	49.00'	89°27'03"	76.50'			
C5	50.00'	13°27'13"	11.74'			

LINE TABLE RECORD DATA

Line No.	Bearing	Length	Bearing	Length
L1	N03°46'28"E	25.12'	N03°46'28"E	25.12'
L2	N86°13'57"W	15.00'	N86°11'52"W	15.12'
L3	N85°53'20"W	58.45'		
L4	N04°10'51"E	26.20'		
L5	N85°44'08"W	58.93'		
L6	N04°07'53"W	13.76'		
L7	N03°46'48"E	14.64'		
L8	N03°46'48"E	1.34'		
L9	N86°13'32"W	195.00'		
L10	N72°43'48"W	68.63'		
L11	N86°13'32"W	219.89'	(N86°13'32"W	219.89')
L12	N86°13'32"W	14.00'		
L13	N03°46'28"E	7.00'		
L14	N03°46'28"E	5.00'		
L15	N03°46'28"E	8.00'		
L16	N03°46'28"E	10.00'		
L17	N03°46'28"E	27.36'		
L18	N03°46'28"E	26.25'		
L19	N03°46'28"E	42.00'		
L20	N86°13'32"W	3.00'		

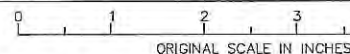
GRAPHIC SCALE



GRANTOR BOX

TRACKING	STATE	ACQ. CODE	GRANTOR	AREAS				REMARKS	RECORDATION		
				TOTAL	R/W	REM	EXCESS		INST	DATE	DOCUMENT REF.
62035-2	F + F	E	A.C.F.C. & W.C.D.	617,822	336	617,486		PARTIAL TAKE TO COUNTY, SOIL NAIL EASEMENT = 535 SQ. FT.			
62035-4	F + F	E	A.C.F.C. & W.C.D.					ACQUIRED PER SECTION 83 OF THE STREET AND HIGHWAY CODE			
62036-1	SEC 83		ALAMEDA COUNTY	3,040				PARTIAL TAKE			
62037-1	F + F		ALAMEDA COUNTY	135,117	4	135,113		PARTIAL TAKE			
62037-2	F + F		ALAMEDA COUNTY	135,117	766	134,347		PARTIAL TAKE			
62037-3	F + F		ALAMEDA COUNTY	135,117	876	133,471		PARTIAL TAKE			
62037-4	E		ALAMEDA COUNTY	135,117	0	133,471		TO COUNTY, SOIL NAIL EASEMENT = 149 SQ. FT.			
62037-5	E		ALAMEDA COUNTY	135,117	0	133,471		TO COUNTY, SOIL NAIL EASEMENT = 439 SQ. FT.			
62037-6	E		ALAMEDA COUNTY	135,117	0	133,471		TO COUNTY, SOIL NAIL EASEMENT = 1,881 SQ. FT.			
62037-7	E		ALAMEDA COUNTY	135,117	0	133,471		TO COUNTY, SOIL NAIL EASEMENT = 8,949 SQ. FT.			
62037-8	TCE		ALAMEDA COUNTY	135,117	0	133,471		TO COUNTY, TCE = 141 SQ. FT. TERM 12/31/14			
62038-1	TCE		PARKER FAMILY PARTNERSHIP, et. al.					TO COUNTY, TCE = 1,694 SQ. FT. TERM 12/31/14			
62060-1	SEC 83		ALAMEDA COUNTY		3,146			ACQUIRED PER SECTION 83 OF THE STREET AND HIGHWAY CODE			
62061-1	SEC 83		ALAMEDA COUNTY		592			ACQUIRED PER SECTION 83 OF THE STREET AND HIGHWAY CODE			
62067-1	TCE		ANDERSON					TO COUNTY, TCE = 3,547 SQ. FT. TERM 12/31/14			

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



E.A. 29082
R/W P.S. M. Stanley

HARD COPY

A-94564.03

MAP REFERENCES

RECORD MAP

R-1A.11

MONUMENT

S-911.03

DRAWING DATE

6/15/11

COUNTY

Ala

ROUTE

580

SHEET POST MILE

11.4

SHEET

56 of 74

RE 10003
3 of 3

_____, 2012

ZONE 7 WATER AGENCY

Grantor(s)

REAL PROPERTY PURCHASE CONTRACT
COUNTY OF ALAMEDA
Interstate 580 East Bound Auxiliary Lane Project
Assessor's Parcel No. 099-0015-059-00 (Por.)

Documents in the form of two Grant Deeds (Parcel No. 62035-1 & No. 62035-2) along with a Footing Easement (Parcel No. 62035-3) and a Soil Nail Easement (Parcel No. 62035-4), covering the property rights described in the said instruments, have been executed and delivered to Michael S. Wolfe, Associate Right of Way Agent, County of Alameda.

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

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said documents and shall relieve the County of Alameda of all further obligation or claims on this account, or on account of the proposed public improvement.

-
- (B) Grantee requires said property in fee and the footing and soil nail easements to facilitate the construction of improvements on the State of California freeway right of way adjacent to your property, a public use for which the Grantee has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and Grantee is compelled to acquire the two parcels in fee, the Footing Easement and the Soil Nail Easement.

Both Grantor and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the two fee parcels and two easements by eminent domain litigation; and the compensation set forth herein for the two fee parcels and two easements is in compromise and settlement, in lieu of such litigation.

Grantee recognizes that Grantor acquired the Arroyo Las Positas channel, known as Line H, for flood control purposes and the Grantee agrees that the construction of the project is to be in a manner that will not substantially conflict or interfere with the use of said channel property by the Grantor for flood control purposes.

2. The County of Alameda shall:

-
- (A) Pay the undersigned Grantor the sum of \$10,300.00, for the property rights conveyed by the above documents when title to said property vests in the County of Alameda, with title being taken subject to all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded).
- (B) Pay all escrow and recording fees incurred in this transaction and, if title insurance is desired by the County of Alameda, the premium charged therefore. Said escrow and recording charges shall not, however, include documentary transfer tax.

-
-
3. Grantor(s) warrant(s) that there are no oral or written leases on all or any portion of the property exceeding a period of one month, and the Grantor(s) further agree(s) to hold the County of Alameda harmless and reimburse the County of Alameda for any and all of its losses and expenses occasioned by reason of any lease of said property held by any tenant of Grantor(s) for a period exceeding one month.

4. The County of Alameda shall have the authority to deduct and pay from the amount shown in clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due for any year except the tax year in which this escrow closes, together with penalties and interest thereon and/or delinquent and unpaid nondelinquent assessments which have become a lien at the close of escrow.

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

6. The undersigned Grantor hereby agrees and consents to the dismissal of any eminent domain action in the Superior Court wherein the herein described land is included and also waives any and all claims to any money that may now be on deposit in said action.

7. The Grantor hereby represents and warrants, to Grantor's knowledge without making any inquiries that during the period of Grantor's ownership of the property, there have been no disposals, releases or threatened releases of hazardous substances or hazardous wastes on, from, or under the property. Grantor further represents and warrants that Grantor to Grantor's knowledge, without making any inquiries, is not aware of any disposal, release, or threatened release of hazardous substances or hazardous wastes, on, from, or under the property, which may have occurred prior to Grantor taking title to the property.

8. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the County of Alameda or its authorized agents, including the right to remove and dispose of improvements, commenced February 1, 2012. The amount shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any from said date.

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

9. This transaction will be administered through an internal escrow with Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, CA 94544

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

RECOMMENDED FOR APPROVAL:

ZONE 7 WATER AGENCY, aka Alameda County
Flood Control and Water Conservation District,
Zone 7

G.F. Duerig
General Manager

Associate Right of Way Agent

Assistant Chief, Right of Way Services Section
County of Alameda
Public Works Agency

APPROVED:

COUNTY OF ALAMEDA, A POLITICAL
SUBDIVISION OF THE STATE OF
CALIFORNIA

APPROVED AS TO FORM:

DONNA R. ZIEGLER
County Counsel

By:

Andrew Massey
Deputy County Counsel

Daniel Woldesenbet, Ph.D., P.E.
Director of Public Works

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

RECORDING REQUESTED BY:
County of Alameda Public Works Agency

WHEN RECORDED – RETURN TO:
County of Alameda Public Works Agency
Right of Way Services Section
399 Elmhurst Street
Hayward, CA 94544-1395 - QIC 50507

Transfer Tax Not Applicable: R & T Code 11922
Governmental Agency Acquiring Title

Recording Fee \$0.00 – Govt. Code 27383

COUNTY OF ALAMEDA

By: _____
Livermore Unincorporated ☐

Space above this line for Recorder's Use

GRANT DEED

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

do(es) hereby GRANT to the

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

the following described real property in the incorporated city of the **Livermore, County of Alameda,**

State of California:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO (No. 62035-1 and -2) (70163 and 70164)

Dated: _____

ALAMDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

Number
62035

EXHIBIT "A"

Land Description of a parcel of land situate in the City of Livermore, Alameda County, California, and being a portion of that certain parcel of land described in the Grant Deed to Alameda County Flood Control and Water Conservation District, and recorded February 25, 2005 under document number 2005-077125, also being a portion of Parcel 5, as shown on that certain Parcel Map filed for record on November 8, 2002 in Book 268 of Parcel Maps, at Page 14, Official Records of Alameda County, and being more particularly described as follows:

Parcel 1 (62035-1) FEE 70163

Beginning at a corner on the existing south line of State Route 580 and the southerly boundary of Parcel 2 described in the Grant Deed to the State of California recorded May 20, 1949 in Volume 5803, Page 189, Official Records of said County at the westerly terminus of the course labeled "North 84° 54' 16" East – 631.38 feet", same corner being in the north line of said Parcel 5; Thence along said south line for the following two (2) courses: (1) North 84° 54' 16" East – 631.38, and (2) South 64° 11' 47" East – 30.57 feet for the beginning of a curve to the left, from which point the center bears South 02° 42' 18" East; Thence across the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5 for the following three (3) courses: (1) in a westerly direction 226.12 feet along the arc of said curve to the left, having a radius of 7999.00 feet and through a central angle of 01° 37' 11", (2) South 85° 40' 32" West – 197.26 feet for the beginning of a curve to the left, from which point the center bears South 04° 19' 48" East, and (3) in a westerly direction 281.57 feet along the arc of said curve to the left, having a radius of 7878.00 feet and through a central angle of 02° 02' 52" to a point on the south line of said Parcel 2, same being on the north line of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5; Thence along said south line, North 75° 13' 36" East – 47.89 feet to the **Point of Beginning**.

Containing 5,787 square feet of land area, more or less.

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

Parcel 2 (62035-2) FEE 70164



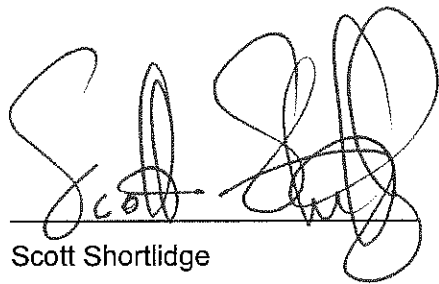
Beginning at a point on the existing south line of State Route 580 and the northerly boundary of the land described in the Director's Deed to John de Vincenzi, et al., recorded May 30, 1973 in Reel 3428, Image 616, Number 73-73272, Official Records of said County; same being the northeast corner of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5; Thence along the east line of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5, South 03° 46' 48" West - 14.64 feet to the southeast corner of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5; Thence along the south line of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5, North 89° 06' 43" West - 22.12 feet; Thence across the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5, North 03° 46' 28" East - 15.75 feet to a point on the said north line of the said John de Vincenzi, et al. parcel, same point being on the north line of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5; Thence along said north line, South 86° 13' 32" East - 22.10 feet to the **Point of Beginning**.

Containing 336 square feet of land area, more or less.

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

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

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



Scott Shortlidge
Professional Land Surveyor
California No. 6441



2-8-2012
Date

Recording Requested By:

County of Alameda Public Works Agency
Real Estate Division

And When Recorded Mail To:

County of Alameda Public Works Agency
Real Estate Division
399 Elmhurst Street
Hayward, CA 94544-1395 - QIC 50507

Documentary Transfer Tax \$ Exempt R & T Code 11922
County of Alameda

By: _____
Livermore Unincorporated ☐

Recording Fee \$0.00 Govt. Code 27383

Space Above This Line For Recorder's Use

GRANT OF EASEMENT

(Footing)

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

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby does hereby GRANT unto GRANTEE the easement and right of way to construct, maintain, operate, inspect and repair a footing for a wall constructed on the adjoining State of California property, and appurtenances thereto, in, over, through, and under the following described lands:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO. (Parcel No. 62035--3) (70165)

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

Number
62035

EXHIBIT "A"

Land Description of a parcel of land situate in the City of Livermore, Alameda County, California, and being a portion of that certain parcel of land described in the Grant Deed to Alameda County Flood Control and Water Conservation District, and recorded February 25, 2005 under document number 2005-077125, also being a portion of Parcel 5, as shown on that certain Parcel Map filed for record on November 8, 2002 in Book 268 of Parcel Maps, at Page 14, Official Records of Alameda County, and being more particularly described as follows:

Parcel 3 (62035-3) FOOTING EASEMENT 70165



Beginning at a point on the south line of existing State Route 580 and on the curving southerly boundary of Parcel 1 described in the Grant Deed to the State of California recorded November 1, 1966 in Reel 1866, Image 39, Serial Number AY124524, Official Records of Alameda County, same corner being on the north line of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5, being a curve to the right from which the center bears South 00° 10' 30" West; Thence along said south line and the northerly boundary of the land described in the Director's Deed to John de Vincenzi, et al., recorded May 30, 1973 in Reel 3428, Image 616, Number 73-73272, Official Records of said County for the following two (2) courses: (1) in an easterly direction 543.97 feet along the arc of said curve to the right, having a radius of 7891.00 feet and through a central angle of 03° 56' 59", and (2) South 86° 13' 32" East – 195.01 feet; Thence across the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5 for the following three (3) courses: (1) South 03° 46' 28" West – 6.00 feet, (2) North 86° 13' 32" West – 195.00 feet for the beginning of a tangent curve to the left, and (3) in a westerly direction 557.88 feet along the arc of said curve to the left, having a radius of 7885.00 feet and through a central angle of 04° 03' 14" to a point on the southerly boundary of Parcel 2 described in the Grant Deed to the State of California

recorded May 20, 1949 in Volume 5803, Page 189, Official Records of said County; Thence along said south line, North 67° 02' 08" East – 15.52 feet to the **Point of Beginning**.

Containing 4,476 square feet of land area, more or less.

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

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



Scott Shortlidge
Professional Land Surveyor
California No. 6441



2-8-2012
Date

Recording Requested By:

County of Alameda Public Works Agency
Real Estate Division

And When Recorded Mail To:

County of Alameda Public Works Agency
Real Estate Division
399 Elmhurst Street
Hayward, CA 94544-1395 - QIC 50507

Documentary Transfer Tax \$ Exempt R & T Code 11922
County of Alameda

By: _____

Unincorporated ☒

Recording Fee \$0.00

Govt. Code 27383

Space Above This Line For Recorder's Use

GRANT OF EASEMENT

(Soil Nail)

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

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby does hereby GRANT unto GRANTEE a permanent Soil Nail Easement for the purposes of lateral support for a retaining wall and the right and privilege to maintain said retaining wall, as the Grantee may see fit, inclusive of all necessary nail supports, fences, protective barriers and fixtures for use in connection therewith or appurtenant thereto, in, under, over, along, upon and across that certain real property under the following described lands:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO. (Parcel No. 62035-4) (70166)

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

Number
62035

EXHIBIT "A"

Land Description of a parcel of land situate in the City of Livermore, Alameda County, California, and being a portion of that certain parcel of land described in the Grant Deed to Alameda County Flood Control and Water Conservation District, and recorded February 25, 2005 under document number 2005-077125, also being a portion of Parcel 5, as shown on that certain Parcel Map filed for record on November 8, 2002 in Book 268 of Parcel Maps, at Page 14, Official Records of Alameda County, and being more particularly described as follows:



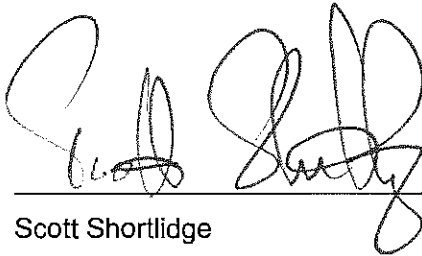
Parcel 4 (62035-4) SOIL NAIL EASEMENT 70166

Beginning at a point on the south line of existing State Route 580 and on the northerly boundary of the land described in the Director's Deed to John de Vincenzi, et al., recorded May 30, 1973 in Reel 3428, Image 616, Number 73-73272, Official Records of said County at the easterly terminus of that course labeled "North 86° 13' 32" West – 219.89 feet"; Thence along said north line, South 72° 43' 48" East – 68.63 feet; Thence across the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5 for the following two (2) courses: (1) North 80° 48' 53" West – 92.03 feet, and (2) North 03° 46' 28" East – 7.34 feet to a point on the said north line of the John de Vincenzi, et al. parcel, same being the north line of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel 5; Thence along said north line, South 86° 13' 32" East – 24.88 feet to the **Point of Beginning**.

Containing 535 square feet of land area, more or less.

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

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



Scott Shortlidge
Professional Land Surveyor
California No. 6441

2-8-2012
Date





ZONE 7 WATER AGENCY
100 North Canyons Parkway
Livermore, CA

DRAWN: BW

REVIEWED: BW

File:

SCALE: AS SHOWN

DATE: 4/6/2012

FIGURE #

Vicinity Map
RE 10004

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

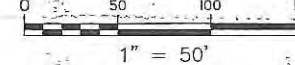
MONUMENT BOX

PT.#	CCS83 (monument)		CCS83 (resolved property corner)		DESCRIPTION
	NORTHING	EASTING	NORTHING	EASTING	
3016	2080408.506	6168812.090			FND ST MON - LS 5797 NOT PUNCHED
3017	2080418.733	6168421.831			FND ST MON - RE 28309
3165	2080569.561	6168886.918	2080569.691	6168886.961	FND CT 1 INCH ROW PIPE
3166	2080568.478	6168928.886	2080568.623	6168928.890	FND 3/4 INCH PIPE RCE 237--
3290	2080803.919	6168270.968	2080804.011	6168271.034	FND CT 1 INCH ROW PIPE
3291	2080792.670	6168689.689	2080792.820	6168689.752	FND CT 1 INCH ROW PIPE

LEGEND

- ACCESS CONTROLLED
- CITY LIMIT LINE
- CALTRANS MONUMENT - AS NOTED
- MONUMENT - AS NOTED
- STANDARD COUNTY/CITY MONUMENT
- DIMENSION POINT
- ACCESS OPENING
- COMMON OWNERSHIP
- SNF = SEARCHED FOR, NOTHING FOUND
- PUE = PUBLIC UTILITY EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- <00000-0> = NON-STATE TRANSFER PARCELS
- ESMT = EASEMENT
- INCL = INCLUDES
- TERM = TERMINATION DATE
- N = NEW (NORTH WITH COORDINATES)
- E = EXISTING (EAST WITH COORDINATES)
- (T) = TOTAL
- (R) = RADIAL BEARING
- () = (Per Record Map R-60)
- [] = (Other specific record data source)

GRAPHIC SCALE



DIST. 04 COUNTY Ala ROUTE 580 POST MILE LIMITS 8.4/21.4

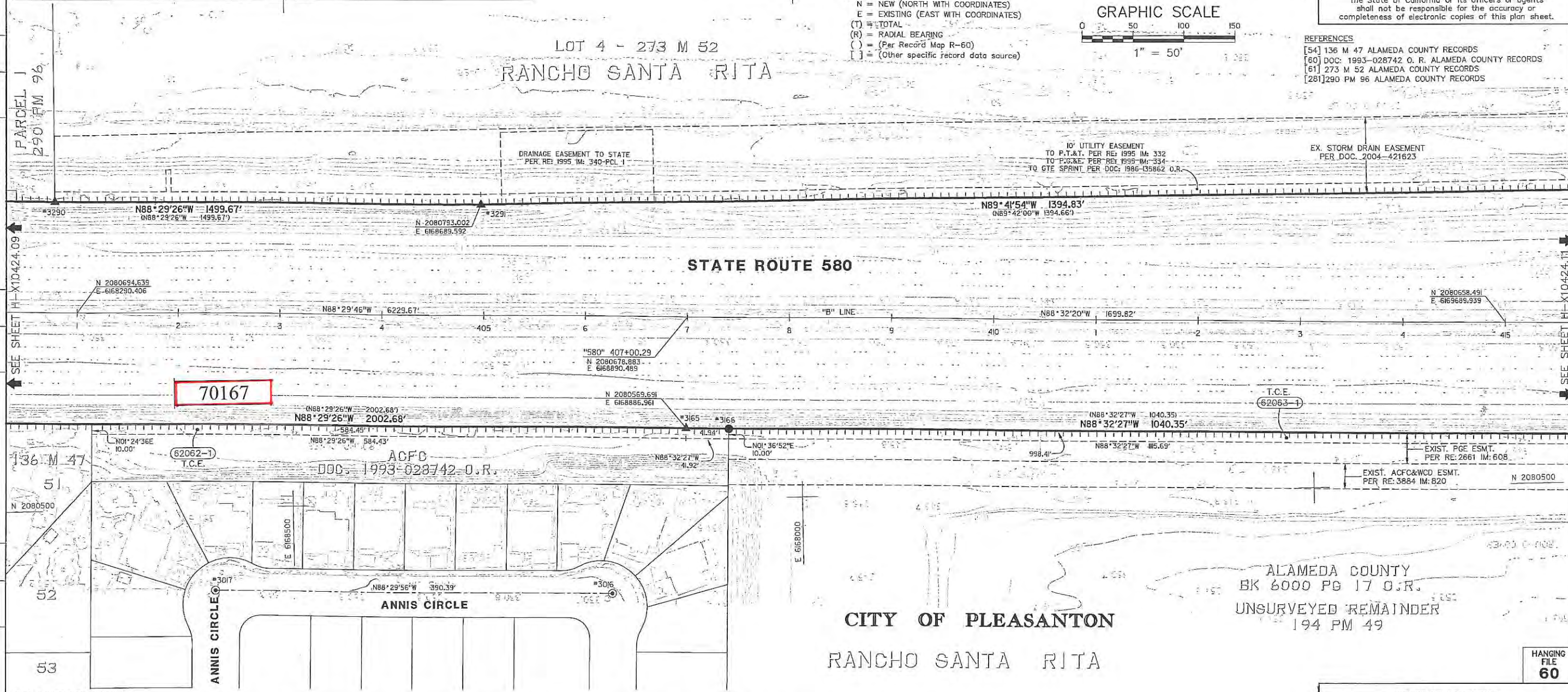
SCOTT A. SHORTIDGE
JUNE 15, 2011
DATE

T. Y. LIN INTERNATIONAL
2010 CROW CANYON PLACE, SUITE 350
SAN RAMON, CA 94583

ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
1333 BROADWAY, SUITE 220
OAKLAND, CA 94612

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

- REFERENCES
- [54] 136 M 47 ALAMEDA COUNTY RECORDS
 - [60] DOC: 1993-028742 O. R. ALAMEDA COUNTY RECORDS
 - [61] 273 M 52 ALAMEDA COUNTY RECORDS
 - [281] 290 PM 96 ALAMEDA COUNTY RECORDS



GRANTOR BOX

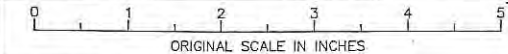
PARCEL #s	ACQ. CODE	GRANTOR	AREAS				REMARKS	RECORDATION		
			TOTAL	R/W	REM	EXCESS		INST	DATE	DOCUMENT REF.
62062-1	TCE	A.C.F.D. & W.C.D.					TEMPORARY CONSTRUCTION EASEMENT = 6,264 SQ. FT.			
62063-1	TCE	ALAMEDA COUNTY					TEMPORARY CONSTRUCTION EASEMENT = 10,570 SQ. FT.			

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY
HARD COPY
H-X10424.10
SCALE: 1" = 50'

DRAWING DATE	COUNTY	ROUTE	SHEET POST MILE	SHEET
6/15/2011	Ala	580	17.2	27 of 74

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



E.A.	29082	MAP REFERENCES			
		APPROVAL MAP	RECORD MAP	MONUMENT	
R/W	M. STANLEY	H-XX.XX	H-XXXXX.07	A-94564.03	R-60.24
P.S.				S-168.11	S-911.03

RE 10004

_____, 2012

ZONE 7 WATER AGENCY

Grantor(s)

REAL PROPERTY PURCHASE CONTRACT
COUNTY OF ALAMEDA
Interstate 580 East Bound Auxiliary Lane Project
Assessor's Parcel No. 946-1126-124-00 (Por.)

A document in the form of a Temporary Construction Easement (Parcel No. 62062-1), covering the property rights described in the said instruments, have been executed and delivered to Michael S. Wolfe, Associate Right of Way Agent, County of Alameda.

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

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said documents and shall relieve the County of Alameda of all further obligation or claims on this account, or on account of the proposed public improvement.
- (B) Grantee requires said property as a Temporary Construction Easement to facilitate the construction of improvements on the State of California freeway right of way adjacent to your property, a public use for which the Grantee has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and Grantee is compelled to acquire the Temporary Construction Easement.

Both Grantor and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the easement by eminent domain litigation; and the compensation set forth herein for the Temporary Construction Easement is in compromise and settlement, in lieu of such litigation.

Grantee recognizes that Grantor acquired the property for the Cross Valley Pipeline for Water Transmission purposes and the Grantee agrees that the construction of the project is to be in a manner that will not substantially conflict or interfere with the use of said property by the Grantor for water supply purposes.

2. The County of Alameda shall:

- (A) Pay the undersigned Grantor the sum of \$1,000.00, for the property rights conveyed by the above documents when title to said property vests in the County of Alameda, with title being taken subject to all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded).
- (B) Pay all escrow and recording fees incurred in this transaction and, if title insurance is desired by the County of Alameda, the premium charged therefore. Said escrow and recording charges shall not, however, include documentary transfer tax.

3. Grantor(s) warrant(s) that there are no oral or written leases on all or any portion of the property exceeding a period of one month, and the Grantor(s) further agree(s) to hold the County of Alameda harmless and reimburse the County of Alameda for any and all of its losses and expenses occasioned by reason of any lease of said property held by any tenant of Grantor(s) for a period exceeding one month.

4. The County of Alameda shall have the authority to deduct and pay from the amount shown in clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due for any year except the tax year in which this escrow closes, together with penalties and interest thereon and/or delinquent and unpaid nondelinquent assessments which have become a lien at the close of escrow.

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

6. The undersigned Grantor hereby agrees and consents to the dismissal of any eminent domain action in the Superior Court wherein the herein described land is included and also waives any and all claims to any money that may now be on deposit in said action.

7. The Grantor hereby represents and warrants, to Grantor's knowledge without making any inquiries that during the period of Grantor's ownership of the property, there have been no disposals, releases or threatened releases of hazardous substances or hazardous wastes on, from, or under the property. Grantor further represents and warrants that Grantor to Grantor's knowledge, without making any inquiries, is not aware of any disposal, release, or threatened release of hazardous substances or hazardous wastes, on, from, or under the property, which may have occurred prior to Grantor taking title to the property.

8. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the County of Alameda or its authorized agents, including the right to remove and dispose of improvements, commenced February 1, 2012. The amount shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any from said date.

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

9. This transaction will be administered through an internal escrow with Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, CA 94544

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

RECOMMENDED FOR APPROVAL:

ZONE 7 WATER AGENCY, aka Alameda County
Flood Control and Water Conservation District,
Zone 7

G.F. Duerig
General Manager

Associate Right of Way Agent

Assistant Chief, Right of Way Services Section
County of Alameda
Public Works Agency

APPROVED:

COUNTY OF ALAMEDA, A POLITICAL
SUBDIVISION OF THE STATE OF
CALIFORNIA

APPROVED AS TO FORM:

DONNA R. ZIEGLER
County Counsel

By:

Andrew Massey
Deputy County Counsel

Daniel Woldesenbet, Ph.D., P.E.
Director of Public Works

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

Recording Requested By:

County of Alameda Public Works Agency
Real Estate Division

And When Recorded Mail To:

County of Alameda Public Works Agency
Real Estate Division
399 Elmhurst Street
Hayward, CA 94544-1395 - QIC 50507

Documentary Transfer Tax \$ Exempt R & T Code 11922
County of Alameda

By: _____
Pleasanton Unincorporated ☐

Recording Fee \$0.00

Govt. Code 27383

Space Above This Line For Recorder's Use

TEMPORARY CONSTRUCTION EASEMENT

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

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California,
hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged, do(es) hereby GRANT and CONVEY unto GRANTEE, its successors and assigns, a temporary construction easement to facilitate construction of an auxiliary traffic lane and retaining wall on adjoining State of California property and incidents thereto in, over, through and along the following described lands:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO. (Parcel No. 62062-1) (70167)

Said easement shall be for the period of construction and shall terminate upon completion of such construction, or in any event, not later than December 31, 2014.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

Number
62062

EXHIBIT "A"



Land Description of a parcel of land situate in the City of Pleasanton, Alameda County, California, same being a portion of that certain parcel of land described in the Grant Deed to the Alameda County Flood Control and Water Conservation District "ACFC&WCD" and recorded January 28, 1993 under Document No. 93028742, same being Parcel B as shown on that certain map entitled "Tract 6282 California Somerset" filed July 15, 1992, in Book 201 of Maps at pages 87 through 92, Official Records of Alameda County, and being more particularly described as follows:

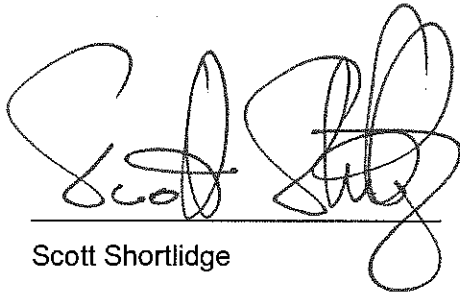
Parcel 1 (62062-1) TEMPORARY CONSTRUCTION EASEMENT 70167

Beginning at a point on the southerly line of the existing State Route 580, same being the northwest corner the ACFC&WCD parcel (Parcel B) and the southwest corner of that certain parcel of land described in the Grant Deed from the County of Alameda to the State of California and recorded August 22, 1969 in Reel 2464, Image 460, official records of said county; thence with the line common to the southerly line of the existing State Route 580 and the northerly line of Parcel B the following two (2) courses; (1) South 88° 29' 26" East – 584.45 feet, and (2) South 88° 32' 27" East – 41.94 feet to the northeast corner of Parcel B; thence leaving last said line and along the east line of said Parcel B, South 01° 36' 52 West – 10.00 feet; thence leaving the east line of and across Parcel B for the following two (2) courses; (1) North 88° 32' 27" West – 41.92 feet, and (2) North 88° 29' 26" West – 584.43 feet to the west line of said Parcel B; thence along last said line, North 01° 24' 36" East – 10.00 feet to the **Point of Beginning.**

Containing 6,264 square feet of land area, more or less.

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

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



Scott Shortlidge

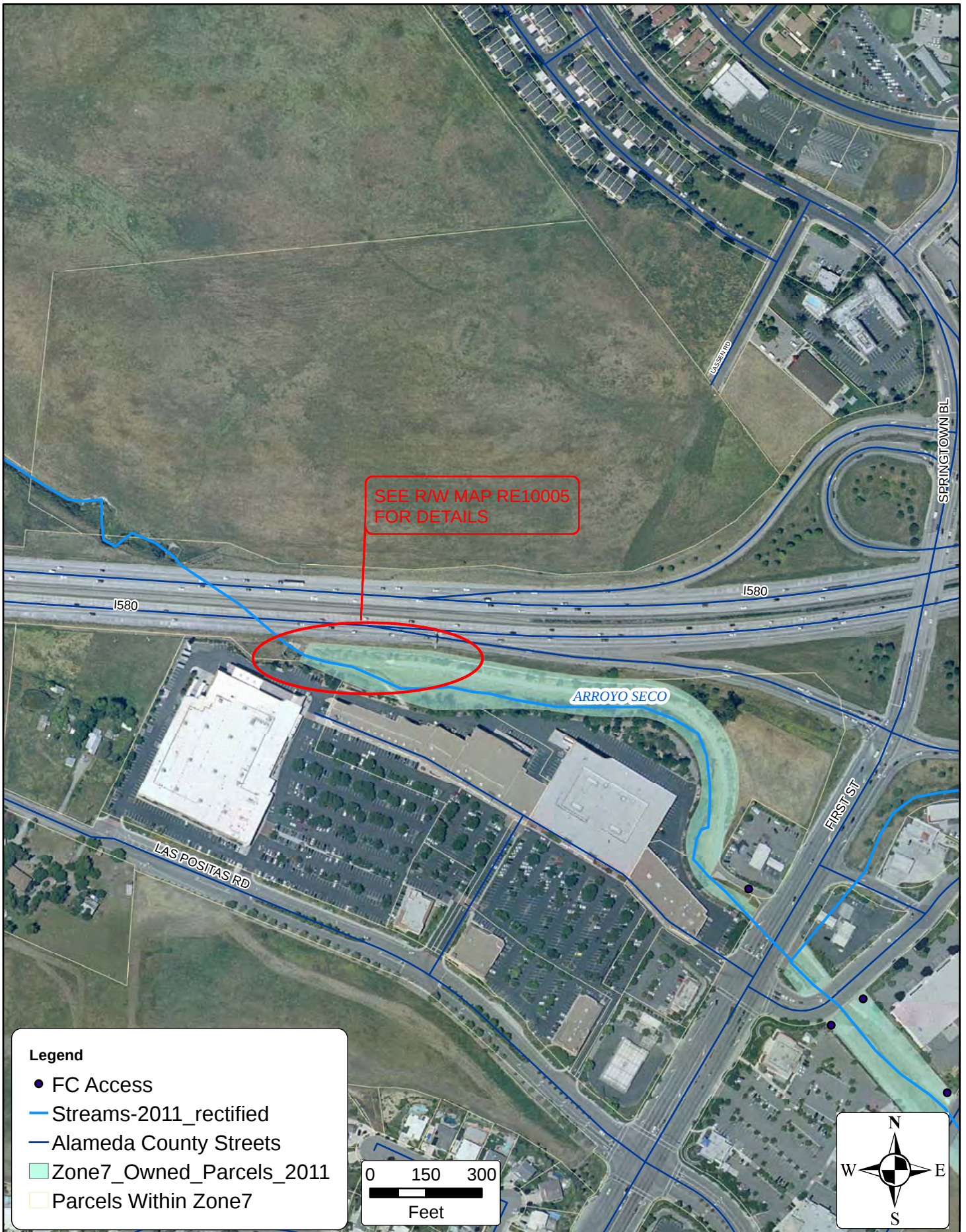
Professional Land Surveyor

California No. 6441

2-1-2012

Date





	ZONE 7 WATER AGENCY 100 North Canyons Parkway Livermore, CA	DRAWN: BW	SCALE: AS SHOWN	Vicinity Map RE 10005
		REVIEWED: BW	DATE: 4/6/2012	
		File:	FIGURE #	

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

MONUMENT BOX

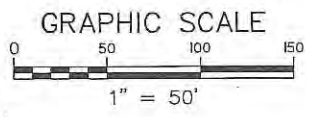
PT.#	CCS83 (monument)		CCS83 (resolved property corner)		DESCRIPTION
	NORTHING	EASTING	NORTHING	EASTING	
3339	2080461.005	6201771.003	2080460.628	6201770.731	FND 1" INCH PIPE NO TAG
3341	2080506.095	6201523.309	2080505.816	6201523.182	FND CT 1" INCH ROW PIPE
3415	2080743.326	6201702.029	2080746.832	6201701.885	FND CT NAIL IN CONC

REFERENCES

- [85] DOC: 2000-168582 O.R. ALAMEDA COUNTY RECORDS
[90] 198 PM 48 ALAMEDA COUNTY RECORDS
[91] DOC: 1992-193727 O. R. ALAMEDA COUNTY RECORDS
[92] 202 PM 28 ALAMEDA COUNTY RECORDS

CITY OF LIVERMORE

RANCHO LAS POSITAS



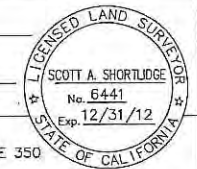
DIST.	COUNTY	ROUTE	POST MILE LIMITS
04	Ala	580	8.4/21.4

SCOTT A. SHORTLIDGE
December 17, 2010
DATE

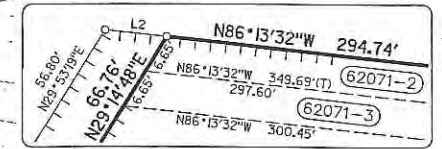
T. Y. LIN INTERNATIONAL
2010 CROW CANYON PLACE, SUITE 350
SAN RAMON, CA 94583

ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
1333 BROADWAY, SUITE 220
OAKLAND, CA 94612

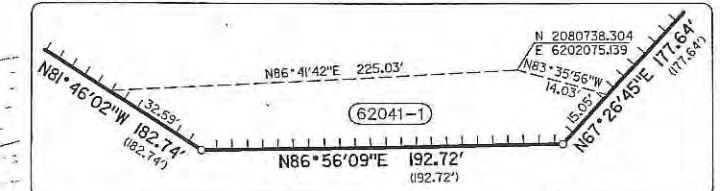
The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.



DETAIL A NOT TO SCALE



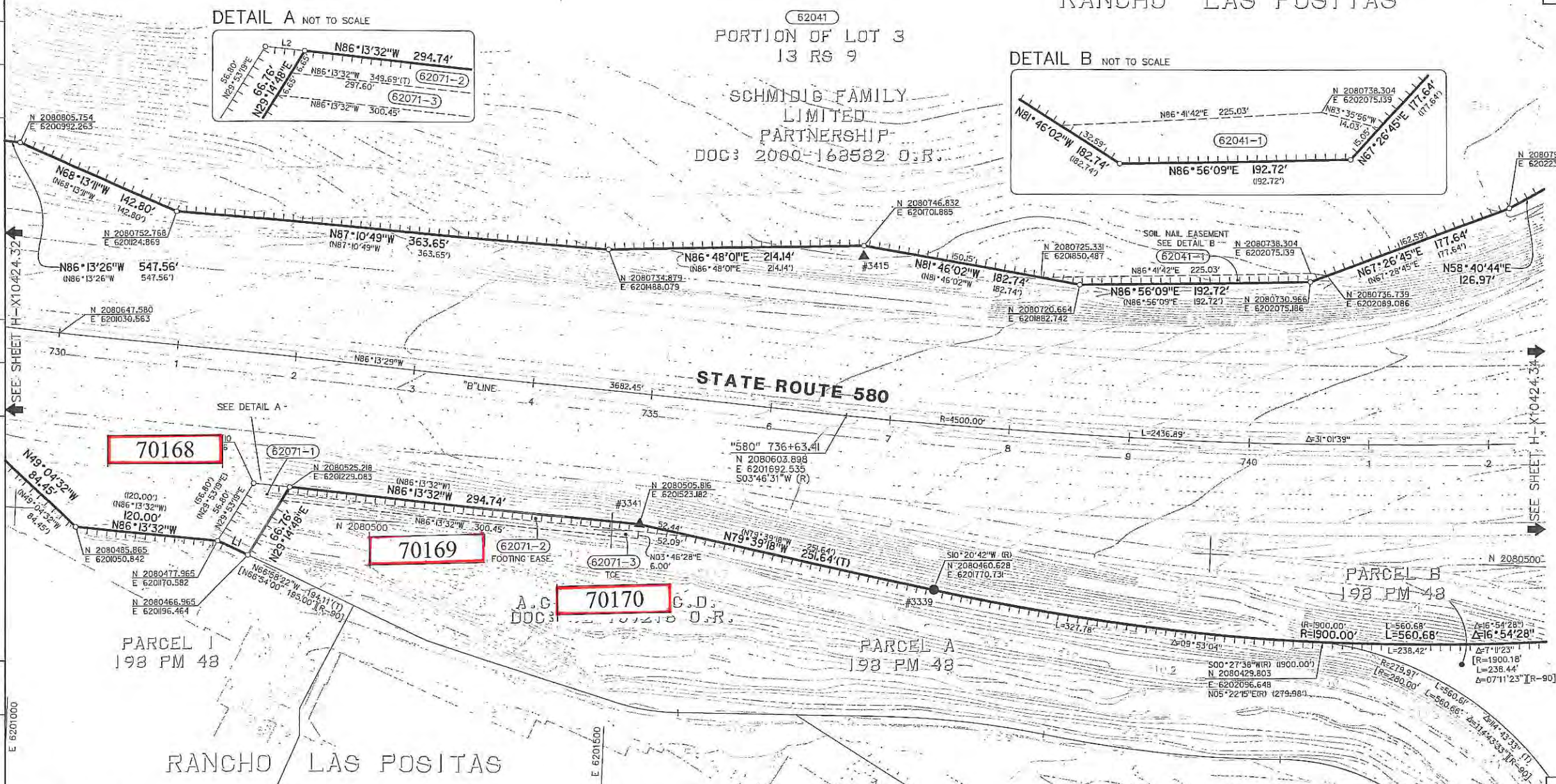
DETAIL B NOT TO SCALE



LEGEND

- ACCESS CONTROLLED
- ▲ CALTRANS MONUMENT - AS NOTED
- MONUMENT - AS NOTED
- STANDARD COUNTY/CITY MONUMENT
- DIMENSION POINT
- ACCESS OPENING
- COMMON OWNERSHIP
- SNF SEARCHED FOR, NOTHING FOUND
- PUE PUBLIC UTILITY EASEMENT
- TCE TEMPORARY CONSTRUCTION EASEMENT
- <00000-0> NON-STATE TRANSFER PARCELS
- ESMT EASEMENT
- INCL INCLUDES
- TERM TERMINATION DATE
- N NEW (NORTH WITH COORDINATES)
- E EXISTING (EAST WITH COORDINATES)
- (T) TOTAL
- (R) RADIAL BEARING
- () (Per Record Map R-1A.9)
- [] (Other specific record data source)

LINE TABLE		
Line No.	Bearing	Length
L1	N66°58'22"W	28.12'
L2	N86°13'32"W	30.26'



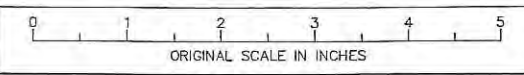
GRANTOR BOX

PARCEL #s	ACQ. CODE	GRANTOR	AREAS				REMARKS	RECORDATION		
			TOTAL	R/W	REM	EXCESS		INST	DATE	DOCUMENT REF.
62071-1	F+T	A.C.F.C. & W.C.D.	175,111	1,705	173,406		PARTIAL TAKE			
62071-2	E	A.C.F.C. & W.C.D.					TO COUNTY, FOOTING EASEMENT = 1,933 SQ. FT.			
62071-3	TCE	A.C.F.C. & W.C.D.					TEMPORARY CONSTRUCTION EASEMENT = 1,794 SQ. FT.			
62041-1	E	SCHMIDIG FAMILY LIMITED PARTNERSHIP, et al.	1,480,504				TO COUNTY, SOIL NAIL EASEMENT = 1,491 SQ. FT.			

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY
HARD COPY
H-X10424.33
SCALE: 1" = 50'

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



E.A. 29082
R/W P.S. M. Stanley

HARD COPY

MAP REFERENCES		
APPRAISAL MAP	RECORD MAP	MONUMENT
	R-1A.9 & R-1A.10	

DRAWING DATE	COUNTY	ROUTE	SHEET POST MILE	SHEET
6/15/11	Ala	580	10.9	58 of 74

RE 10005

_____, 2012

ZONE 7 WATER AGENCY

Grantor(s)

REAL PROPERTY PURCHASE CONTRACT
COUNTY OF ALAMEDA
Interstate 580 East Bound Auxiliary Lane Project
Assessor's Parcel No. 902-021-010-01 (Por.)

Documents in the form of a Grant Deed (Parcel No. 62071-1) along with a Footing Easement (FE Parcel No. 62071-2) and a Temporary Construction Easement (TCE Parcel No. 62071-3), covering the property rights described in the said instruments, have been executed and delivered to Michael S. Wolfe, Associate Right of Way Agent, County of Alameda.

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

1. (A) The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said documents and shall relieve the County of Alameda of all further obligation or claims on this account, or on account of the proposed public improvement.
- (B) Grantee requires said property in fee and the footing and Temporary Construction Easements to facilitate the construction of improvements on the State of California freeway right of way adjacent to your property, a public use for which the Grantee has the authority to exercise the power of eminent domain. Grantor is compelled to sell, and Grantee is compelled to acquire the parcel in fee, the Footing Easement and the Temporary Construction Easement.

Both Grantor and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the fee parcel and two easements by eminent domain litigation; and the compensation set forth herein for the fee parcel and easements is in compromise and settlement, in lieu of such litigation.

Grantee recognizes that Grantor acquired the Arroyo Seco channel, known as Line P, for flood control purposes and the Grantee agrees that the construction of the project is to be in a manner that will not substantially conflict or interfere with the use of said channel property by the Grantor for flood control purposes.

2. The County of Alameda shall:

- (A) Pay the undersigned Grantor the sum of \$5,850.00, for the property rights conveyed by the above documents when title to said property vests in the County of Alameda, with title being taken subject to all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded).
- (B) Pay all escrow and recording fees incurred in this transaction and, if title insurance is desired by the County of Alameda, the premium charged therefore. Said escrow and recording charges shall not, however, include documentary transfer tax.

3. Grantor(s) warrant(s) that there are no oral or written leases on all or any portion of the property exceeding a period of one month, and the Grantor(s) further agree(s) to hold the County of Alameda harmless and reimburse the County of Alameda for any and all of its losses and expenses occasioned by reason of any lease of said property held by any tenant of Grantor(s) for a period exceeding one month.

4. The County of Alameda shall have the authority to deduct and pay from the amount shown in clause 2(A) above, any amount necessary to satisfy any bond demands and delinquent taxes due for any year except the tax year in which this escrow closes, together with penalties and interest thereon and/or delinquent and unpaid nondelinquent assessments which have become a lien at the close of escrow.

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

6. The undersigned Grantor hereby agrees and consents to the dismissal of any eminent domain action in the Superior Court wherein the herein described land is included and also waives any and all claims to any money that may now be on deposit in said action.

7. The Grantor hereby represents and warrants, to Grantor's knowledge without making any inquiries that during the period of Grantor's ownership of the property, there have been no disposals, releases or threatened releases of hazardous substances or hazardous wastes on, from, or under the property. Grantor further represents and warrants that Grantor to Grantor's knowledge, without making any inquiries, is not aware of any disposal, release, or threatened release of hazardous substances or hazardous wastes, on, from, or under the property, which may have occurred prior to Grantor taking title to the property.

8. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the County of Alameda or its authorized agents, including the right to remove and dispose of improvements, commenced February 1, 2012. The amount shown in Clause 2(A) herein includes, but is not limited to, full payment for such possession and use, including damages, if any from said date.

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

9. This transaction will be administered through an internal escrow with Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, CA 94544

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

RECOMMENDED FOR APPROVAL:

ZONE 7 WATER AGENCY, aka Alameda County
Flood Control and Water Conservation District

G.F. Duerig
General Manager

Associate Right of Way Agent

Assistant Chief, Right of Way Services Section
County of Alameda
Public Works Agency

APPROVED:

COUNTY OF ALAMEDA, A POLITICAL
SUBDIVISION OF THE STATE OF
CALIFORNIA

APPROVED AS TO FORM:

DONNA R. ZIEGLER
County Counsel

By:

Andrew Massey
Deputy County Counsel

Daniel Woldesenbet, Ph.D., P.E.
Director of Public Works

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

RECORDING REQUESTED BY:
County of Alameda Public Works Agency

WHEN RECORDED – RETURN TO:
County of Alameda Public Works Agency
Right of Way Services Section
399 Elmhurst Street
Hayward, CA 94544-1395 - QIC 50507

Transfer Tax Not Applicable: R & T Code 11922
Governmental Agency Acquiring Title

Recording Fee \$0.00 – Govt. Code 27383

COUNTY OF ALAMEDA

By: _____
Livermore Unincorporated ☐

Space above this line for Recorder's Use

GRANT DEED

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

do(es) hereby GRANT to the

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

the following described real property in the incorporated city of the **Livermore, County of Alameda,**

State of California:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO (No. 62071-1) (70168)

Dated: _____

ALAMDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

Number
62071

EXHIBIT "A"



Land Description of a parcel of land situate in the City of Livermore, Alameda County, California, and being a portion of that certain parcel of land described in the Grant Deed to the Alameda County Flood Control and Water Conservation District and recorded April 8, 1992 under document number 92-107216, Official Records of said County, same being Parcel A as shown on that certain Parcel Map filed on September 24, 1991 and recorded in Book 198 of Maps, at pages 47 through 48 thereof, Official Records of Alameda County, and being more particularly described as follows:

Parcel 1 (62071-1) FEE 70168

Beginning at a point on the south line of existing State Route 580 and being a corner on the southerly boundary of that 0.087 acre Parcel described in the Grant Deed to the State of California recorded August 26, 1965 in Reel 1584, Image 140, Official Records of Alameda County at the easterly terminus of the course labeled "North 86° 13' 32" West – 120.00 feet", also being the most westerly corner of the said Alameda County Flood Control and Water Conservation District and said Parcel A; Thence along said south line and the south line of Parcel 2 as described in the Final Order of Condemnation No. 344380 recorded on January 13, 1967 in Reel 1901, Image 823, Official Records of said County, North 29° 53' 19" East – 56.80 feet to the northwest corner of the said Alameda County Flood Control and Water Conservation District parcel; Thence along said south line of Parcel 2, South 86° 13' 32" East – 30.26 feet; Thence across the said Alameda County Flood Control and Water Conservation District parcel, South 29° 14' 48" West – 66.76 feet to a point on the south line of the said Alameda County Flood Control and Water Conservation District parcel; Thence along said south line, North 66° 58' 22" West – 28.12 feet to the southwest corner of the Alameda County Flood Control and

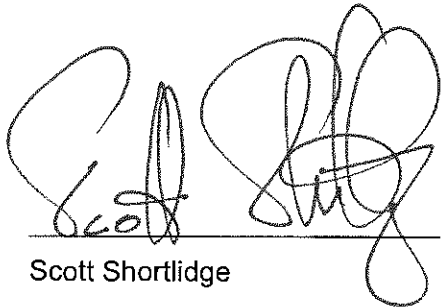
Water Conservation District parcel, same being a point on the southerly line of the existing State Route 580; thence along the line common to the southerly line of the existing State Route 580 and the westerly line of the Alameda County Flood Control and Water Conservation District parcel, North 29° 14' 48" East – 66.76 feet to the **Point of Beginning**.

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

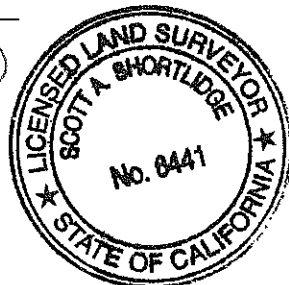
Containing 1,705 square feet of land area, more or less.

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

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



Scott Shortlidge
Professional Land Surveyor
California No. 6441



2-8-202

Date

Recording Requested By:

County of Alameda Public Works Agency
Real Estate Division

And When Recorded Mail To:

County of Alameda Public Works Agency
Real Estate Division
399 Elmhurst Street
Hayward, CA 94544-1395 - QIC 50507

Documentary Transfer Tax \$ Exempt R & T Code 11922
County of Alameda

By: _____
Livermore Unincorporated ☐

Recording Fee \$0.00

Govt. Code 27383

Space Above This Line For Recorder's Use

GRANT OF EASEMENT

(Footing)

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

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby does hereby GRANT unto GRANTEE the easement and right of way to construct, maintain, operate, inspect and repair a footing for a wall constructed on the adjoining State of California property, and appurtenances thereto, in, over, through, and under the following described lands:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO. (Parcel No. 62071-2) (70169)

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

Number
62071



EXHIBIT "A"

Land Description of a parcel of land situate in the City of Livermore, Alameda County, California, and being a portion of that certain parcel of land described in the Grant Deed to the Alameda County Flood Control and Water Conservation District and recorded April 8, 1992 under document number 92-107216, Official Records of said County, same being Parcel A as shown on that certain Parcel Map filed on September 24, 1991 and recorded in Book 198 of Maps, at pages 47 through 48 thereof, Official Records of Alameda County, and being more particularly described as follows:

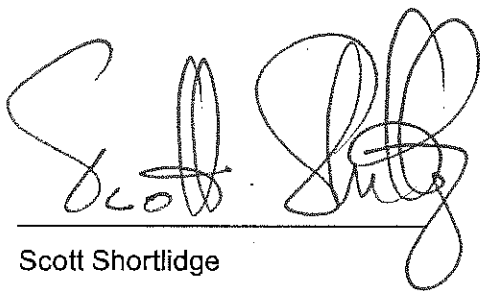
Parcel 2 (62071-2) FOOTING EASEMENT 70169

Beginning at a corner on the south line of existing State Route 580 and being on the south line of Parcel 2 as described in the Final Order of Condemnation No. 344380 recorded on January 13, 1967 in Reel 1901, Image 823, Official Records of said County at the easterly terminus of the course labeled "North 86° 13' 32" West – 325.00 feet", same corner being on the north line of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel A; Thence along said south line, South 79° 39' 18" East – 52.44 feet; Thence across the said Alameda County Flood Control and Water Conservation District parcel and said Parcel A for the following two (2) courses: (1) North 86° 13' 32" West – 349.69 feet, and (2) North 29° 14' 48" East – 6.65 feet to a point on the south line of said Parcel 2; Thence along said south line, South 86° 13' 32" East – 294.74 feet to the **Point of Beginning**.

Containing 1,933 square feet of land area, more or less.

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

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



Scott Shortlidge
Professional Land Surveyor
California No. 6441

2-8-2012
Date



Recording Requested By:

County of Alameda Public Works Agency
Real Estate Division

And When Recorded Mail To:

County of Alameda Public Works Agency
Real Estate Division
399 Elmhurst Street
Hayward, CA 94544-1395 - QIC 50507

Documentary Transfer Tax \$ Exempt R & T Code 11922
County of Alameda

By: _____
Livermore Unincorporated ☐

Recording Fee \$0.00 Govt. Code 27383

Space Above This Line For Recorder's Use

TEMPORARY CONSTRUCTION EASEMENT

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

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California,
hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged, do(es) hereby GRANT and CONVEY unto GRANTEE, its successors and assigns, a temporary construction easement to facilitate construction of an auxiliary traffic lane and retaining wall on adjoining State of California property and incidents thereto in, over, through and along the following described lands:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO. (Parcel No. 62071-3) (70170)

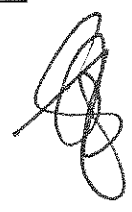
Said easement shall be for the period of construction and shall terminate upon completion of such construction, or in any event, not later than December 31, 2014.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

Number
62071

EXHIBIT "A"



Land Description of a parcel of land situate in the City of Livermore, Alameda County, California, and being a portion of that certain parcel of land described in the Grant Deed to the Alameda County Flood Control and Water Conservation District and recorded April 8, 1992 under document number 92-107216, Official Records of said County, same being Parcel A as shown on that certain Parcel Map filed on September 24, 1991 and recorded in Book 198 of Maps, at pages 47 through 48 thereof, Official Records of Alameda County, and being more particularly described as follows:

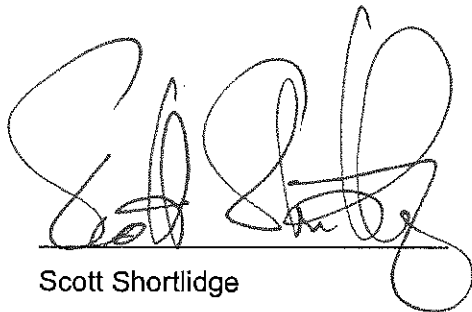
Parcel 3 (62071-3) TEMPORARY CONSTRUCTION EASEMENT 70170

Commencing at a corner on the south line of existing State Route 580 and being on the south line of Parcel 2 as described in the Final Order of Condemnation No. 344380 recorded on January 13, 1967 in Reel 1901, Image 823, Official Records of said County at the easterly terminus of the course labeled "North 86° 13' 32" West – 325.00 feet", same corner being on the north line of the said Alameda County Flood Control and Water Conservation District parcel and said Parcel A; Thence along said south line, South 79° 39' 18" East – 52.44 feet; Thence across the said Alameda County Flood Control and Water Conservation District parcel and said Parcel A, North 86° 13' 32" West – 52.09 feet for the Point of Beginning hereof; Thence continuing across the said Alameda County Flood Control and Water Conservation District parcel and said Parcel A for the following four (4) courses: (1) South 03° 46' 28" West – 6.00 feet, (2) North 86° 13' 32" West – 300.45 feet, (3) North 29° 14' 48" East – 6.65 feet, and (4) South 86° 13' 32" East – 297.60 feet to the **Point of Beginning**

Containing 1,794 square feet of land area, more or less.

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

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



Scott Shortlidge
Professional Land Surveyor
California No. 6441

2-8-2012
Date





ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Engineering
CONTACT: Dennis Gambs/Jarnail Chahal

AGENDA DATE: April 18, 2012

ITEM NO. 5f

SUBJECT: Accept Easements from Paragon Outlets and City of Livermore for Relocated Cross Valley Pipeline and Vacate Abandoned Portion of Waterline Easement

SUMMARY:

- A regional outlet mall is currently being constructed near El Charro Road in Livermore by Paragon Outlets Livermore Valley, LLC (Paragon Outlets).
- The outlet mall impacted Zone 7's original 36-inch diameter Cross-Valley Pipeline and its connection to a turnout with DSRSD's distribution system which required relocation of approximately 2,000 feet of the pipeline to accommodate the development's anchor building and the City of Livermore's landscape corridor.
- Accordingly, approximately 2,000 feet of pipeline was relocated by the developer.
- The relocated pipeline requires a new easement along its new alignment and its new turnout connection to DSRSD. These easements are offered by Paragon Outlets and the City of Livermore, for the portions crossing Friesman Road. Zone 7, through the Alameda County Flood Control and Water Conservation District Board, would, in turn, vacate the superseded easement along the abandoned pipeline alignment.
- Paragon Outlets is paying all costs associated with the pipeline relocation including costs related to the easement grants.

FUNDING:

There is no funding impact as a result of accepting or vacating the water pipeline easements.

RECOMMENDED ACTION:

Adopt attached resolutions:

1. Authorizing the General Manager to accept and record the Grant of Easement from Paragon Outlets;
2. Authorizing the General Manager to accept and record the Grant of Easement from the City of Livermore; and
3. Recommending and requesting that the Board of Supervisors of the Alameda County Flood Control and Water Conservation District vacate the water pipeline easement along the abandoned alignment.

ATTACHMENTS:

1. Memo providing additional background and discussion
2. Resolutions
3. Vicinity and Easement Location Map
4. Easement Grants

INTEROFFICE MEMO

Date: April 18, 2012
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Accept Easements from Paragon Outlets and City of Livermore for Relocated Cross Valley Pipeline and Vacate Abandoned Portion of Waterline Easement

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

BACKGROUND:

The development currently being constructed within the El Charro Specific Plan area in the City of Livermore is a regional outlet mall by Paragon Outlets Livermore Valley, LLC (Paragon Outlets). When completed, the outlets will consist of over 500,000 square feet of retail area consisting of eight buildings (tenant areas), a food court, and ten open air pavilions. The site work for the development includes parking (approximately 2,400 parking spots), sidewalk improvements, typical parking lot landscaping, and a vineyard buffer area forming a landscape corridor along I-580. The development also includes installing and/or relocating utility improvements such as sanitary sewer, storm drain, potable water, recycled water, fire system, lighting, telephone, electrical, and cable.

The development impacted Zone 7's existing 36 inch diameter Cross-Valley Pipeline and its Turnout to DSRSD. The anchor building planned for construction at the northwest corner of the site and the City of Livermore's Landscape Corridor required the relocation of the Cross Valley Pipeline. Accordingly, approximately 2,000 feet of the pipeline was relocated to accommodate the improvements. The new pipeline alignment is in the perimeter road of the Outlet Mall's parking lot and will provide easy access to Zone 7 for maintenance. The relocation of the Cross Valley Pipeline required a new connection to a turnout with DSRSD's distribution system. The relocation and all related cost are being paid for by the developer, Paragon Outlets.

DISCUSSION:

The relocated waterline and new turnout piping require new easements from Paragon Outlets and the City of Livermore. The majority of the pipeline easement, which is 25 feet in width, will come from Paragon Outlets. See the attached Easement Location Map for the location of the existing and proposed easements.

The legal title to the original easement vests with the Alameda County Flood Control and Water Conservation District. Relocating the waterline allows the easement in which the abandoned pipeline is located to be vacated. As the legal owner of the waterline easement that is to be vacated, the Board of Supervisors of the Alameda County Flood Control and Water Conservation District is required to approve vacating the easement. To that end, the Zone 7 Board of Directors would request and authorize the District Board to approve vacating the easement along the abandoned alignment.

Staff recommends that the Board of Directors: 1) accept the easement from Paragon Outlets for the relocated Cross Valley Pipeline, 2) accept the easement from the City of Livermore for the relocated Cross Valley Pipeline, and 3) request the Board of Supervisors of the Alameda County Flood Control and Water Conservation District to vacate the water pipeline easement along the abandoned pipeline alignment.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

**Recommend and Approve Vacating the Water Pipeline Easement
along the Abandoned Alignment of the Cross Valley Pipeline**

WHEREAS, by a Grant of Easement from Conrad Molt and Maren Moldt, his Wife, dated August 13, 1974, and recorded November 15, 1974, as Records Series Number 74-146544, Official Records of Alameda County, the Alameda County Flood Control and Water Conservation District (Zone 7) was conveyed an easement for a water pipeline; and

WHEREAS, Paragon Outlets Livermore Valley, LLC, and the City of Livermore, as part of the Paragon Outlets Development, relocated the Cross Valley Pipeline and provided replacement easements for said Cross Valley Pipeline thereby making the easement along the abandoned alignment no longer required for water supply purposes.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby find and determine that the portion of the water pipeline easement along the abandoned alignment on lands designated and described in Exhibit A (No. 70151) is no longer required by Zone 7 for water supply purposes; and

BE IT FURTHER RESOLVED, 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 the Alameda County Flood Control and Water Conservation District take the appropriate action to summarily vacate and abandon the interest of said District in said easement under the authority of Chapter 4, Section 8333(c) of the Streets and Highways Code of the State of California.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cross Valley Pipeline
No. 70151
Map: RF-10112

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

April 18, 2012

By _____
President, Board of Directors

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

**Accept and Record Grant of Easement from Paragon Outlets
for the Relocated Cross Valley Pipeline**

WHEREAS, Paragon Outlets Livermore Valley, LLC (Paragon Outlets) is granting an easement to the Alameda County Flood Control and Water Conservation District, Zone 7 for a pipeline on the lands designated and described in Exhibit A (No. 70152).

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 Paragon Outlets 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

April 18, 2012

By _____
President, Board of Directors

Cross Valley Pipeline/DSRSD Turnout No. 5
No. 70152
Map: RF-10113

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

**Accept and Record Grant of Easement from City of Livermore
for the Relocated Cross Valley Pipeline**

WHEREAS, the City of Livermore is granting an easement to the Alameda County Flood Control and Water Conservation District, Zone 7 for a water pipeline on the lands designated and described in Exhibit A (No. 70153).

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 the City of Livermore and to execute a certificate of acceptance causing the same to be recorded at the Office of the Recorder of Alameda County.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

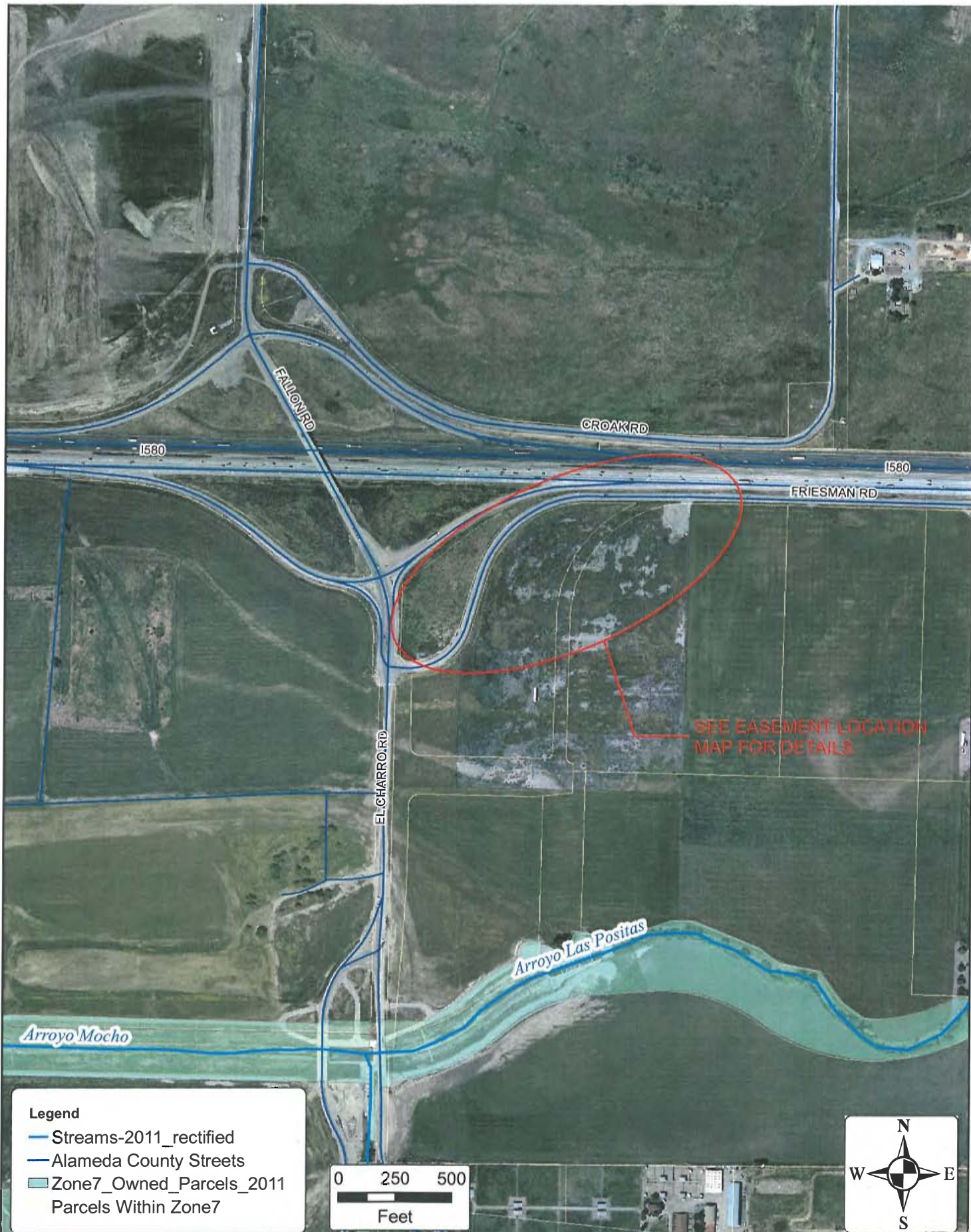
ABSTAIN:

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

April 18, 2012

By _____
President, Board of Directors

Cross Valley Pipeline
No. 70153
Map: RF-10114



ZONE 7 WATER AGENCY
100 North Canyons Parkway
Livermore, CA

DRAWN: BW

SCALE: AS SHOWN

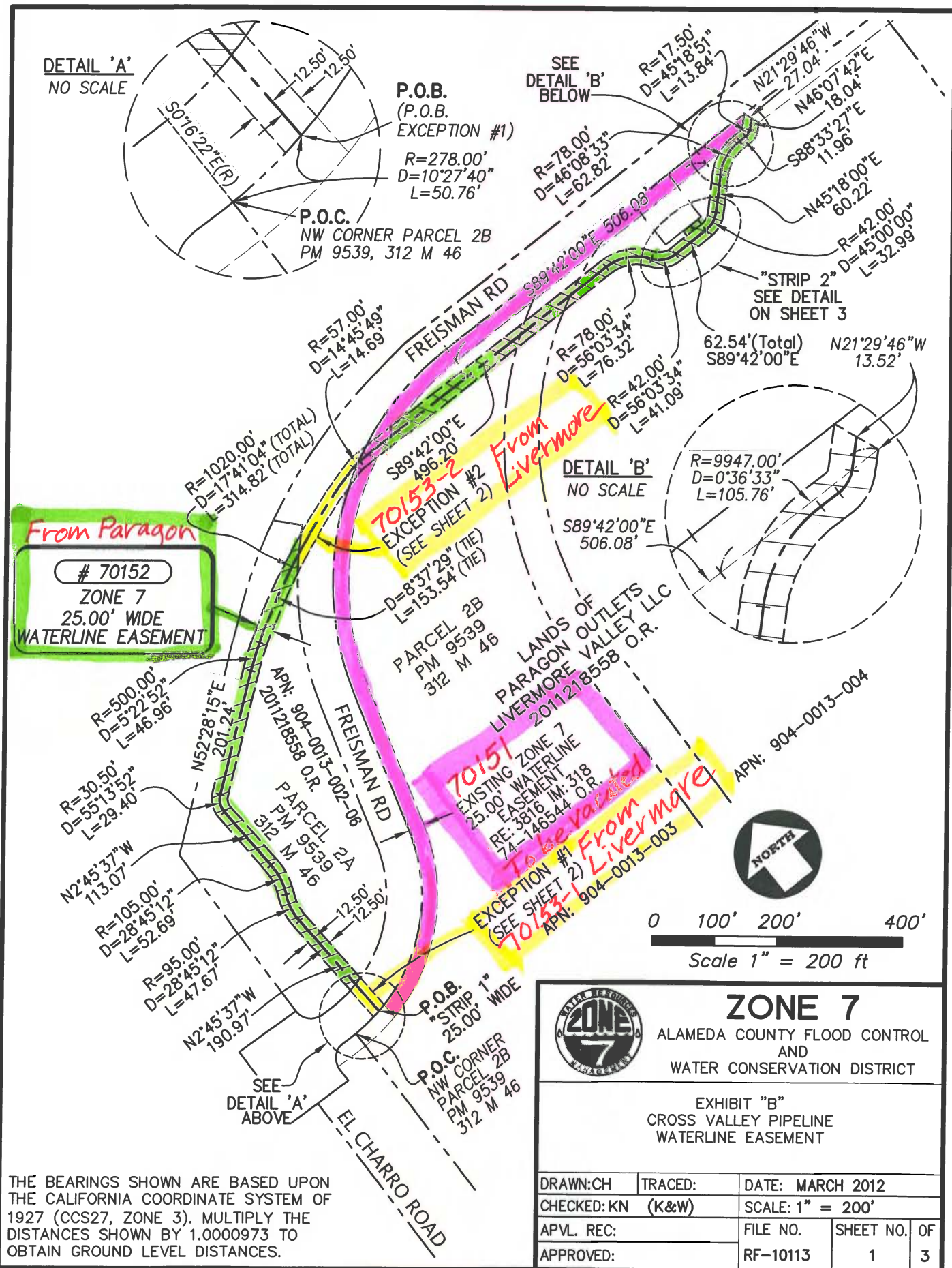
REVIEWED: BW

DATE: 3/5/2012

File:

FIGURE #

**Cross Valley Relocation
at Paragon Outlets
Vicinity Map**



Recording Requested By
And
When Recorded Mail To:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The Grantee hereby declares this instrument to be exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Revenue and Taxation Code §11922).

APN's: 904-0013-002-06 (Por.), 904-0013-003 (Por.) and 904-0013-004 (Por.)

**GRANT OF EASEMENT
(WATER PIPELINE)**

PARAGON OUTLETS LIVERMORE VALLEY, LLC, (hereinafter "Grantor") hereby grants to ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, a body corporate and politic, (hereinafter "Grantee"), its successors and assigns, a perpetual easement, with subsurface and surface rights, for the purpose of laying down, constructing, reconstruction, removing, replacing, maintaining, operating, and using as Grantee may see fit for the transmission and distribution of water, a pipe or pipelines and any appurtenances to the operation or protection thereof, for the purpose of transmitting water in, through, and across the subject parcel as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the land situated in the City of Livermore, County of Alameda, State of California, described and depicted in Exhibit "A," attached hereto and incorporated herein by reference.

This Grant of Easement is executed and delivered to Grantee upon the following terms and conditions, to wit:

1. Grantee 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 Grantor's remaining property; provided however, that Grantee's exercise of such right of access shall not unreasonably interfere with Grantor's use of such roads or passageways.
2. Grantor shall have the right to use and enjoy said easement area for purposes which will not interfere with Grantee's full enjoyment of the rights herein granted; provided that, Grantor, its heirs, successors, or assigns shall not place or permit to be placed on said easement area any building or other structure or drill or operate any well on, under or within the land described in Exhibit "A" without the express written consent of Grantee.
3. Grantor further agrees that it reserves the right to landscape or make such other use of the surface lands included within the easement area consistent with the Grantee's use. Grantor will not interfere with the Grantee's full enjoyment of the rights herein granted; in particular, Grantor shall not plant any trees or shrubs nor make a change in the existing surface

elevation (grade) of the easement areas by more than one (1) foot without the expressed written consent of Grantee.

4. Grantee shall upon completion of any of its work restore, as near as possible, the easement area to the original condition, as is practicable. Grantee shall promptly backfill any trench made by it on said easement area, and repair any damage it causes to Grantor's roads or passages on said easements, if any. Grantee further agrees to pay for damages to the personal property, caused by Grantee or its contractors in the, maintenance, replacement, repair or removal of the pipeline.
5. Grantee agrees to indemnify Grantor against all damages, expenses, costs and charges, and to save Grantor harmless from any and all claims for damages by third parties, and all loss and liability caused by the wrongful or negligent act or omission of Grantee, its agents or employees in the course of their employment. Notwithstanding the foregoing, Grantor shall indemnify Grantee against all damages, expenses, costs and charges, and to save Grantee harmless from any and all claims for damages by third parties, and all loss and liability arising out of or in connection with the existence, use, maintenance, repair or alteration of Grantor's existing structures within the easement area.

This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect except by a subsequent modification in writing, signed by the party to be charged.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Acceptance and recordation of the Grant of Easement by Grantee shall signify Grantee's acceptance of the terms and conditions of the conveyance.

PARAGON OUTLETS LIVERMORE VALLEY, LLC

By: _____

Name: _____

Title: _____

DETAIL 'A'
NO SCALE

P.O.B.
(P.O.B.
EXCEPTION #1)

R=278.00'
D=10°27'40"
L=50.76'

P.O.C.
NW CORNER PARCEL 2B
PM 9539, 312 M 46

SEE
DETAIL 'B'
BELOW

R=78.00'
D=46°08'33"
L=62.82'

R=17.50'
D=45°18'51"
L=13.84'

"STRIP 2"
SEE DETAIL
ON SHEET 3

62.54'(Total)
S89°42'00"E
N21°29'46"W
13.52'

DETAIL 'B'
NO SCALE

S89°42'00"E
506.08'

70152
ZONE 7
25.00' WIDE
WATERLINE EASEMENT

R=500.00'
D=5°22'52"
L=46.96'

R=30.50'
D=55°13'52"
L=29.40'

N2°45'37"W
113.07'

R=105.00'
D=28°45'12"
L=52.69'

R=95.00'
D=28°45'12"
L=47.67'

N2°45'37"W
190.97'

R=1020.00'
D=17°41'04" (TOTAL)
L=314.82' (TOTAL)

R=57.00'
D=14°45'49"
L=14.69'

EXCEPTION #2
(SEE SHEET 2)
D=8°37'29" (TIE)
L=153.54' (TIE)

PARCEL 2B
PM 9539
312 M 46

LANDS OF
PARAGON PIPELETS
LIVERMORE VALLEY LLC
2011218558 O.R.

EXISTING ZONE 7
25.00' WATERLINE
EASEMENT
RE: 3816 IM: 318
74-146544 O.R.

EXCEPTION #1
(SEE SHEET 2)
APN: 904-0013-003

APN: 904-0013-004



0 100' 200' 400'
Scale 1" = 200 ft



ZONE 7

ALAMEDA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT

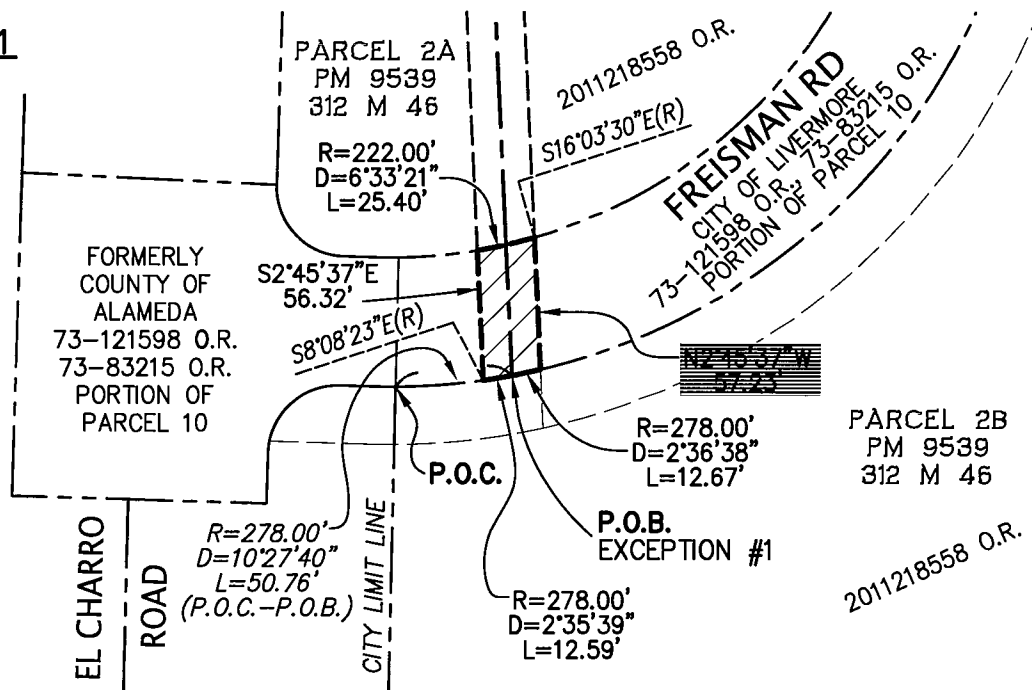
EXHIBIT "B"
CROSS VALLEY PIPELINE
WATERLINE EASEMENT

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

DRAWN: CH	TRACED:	DATE: MARCH 2012
CHECKED: KN	(K&W)	SCALE: 1" = 200'
APVL. REC:	FILE NO.	SHEET NO.
APPROVED:	RF-10113	1
		3

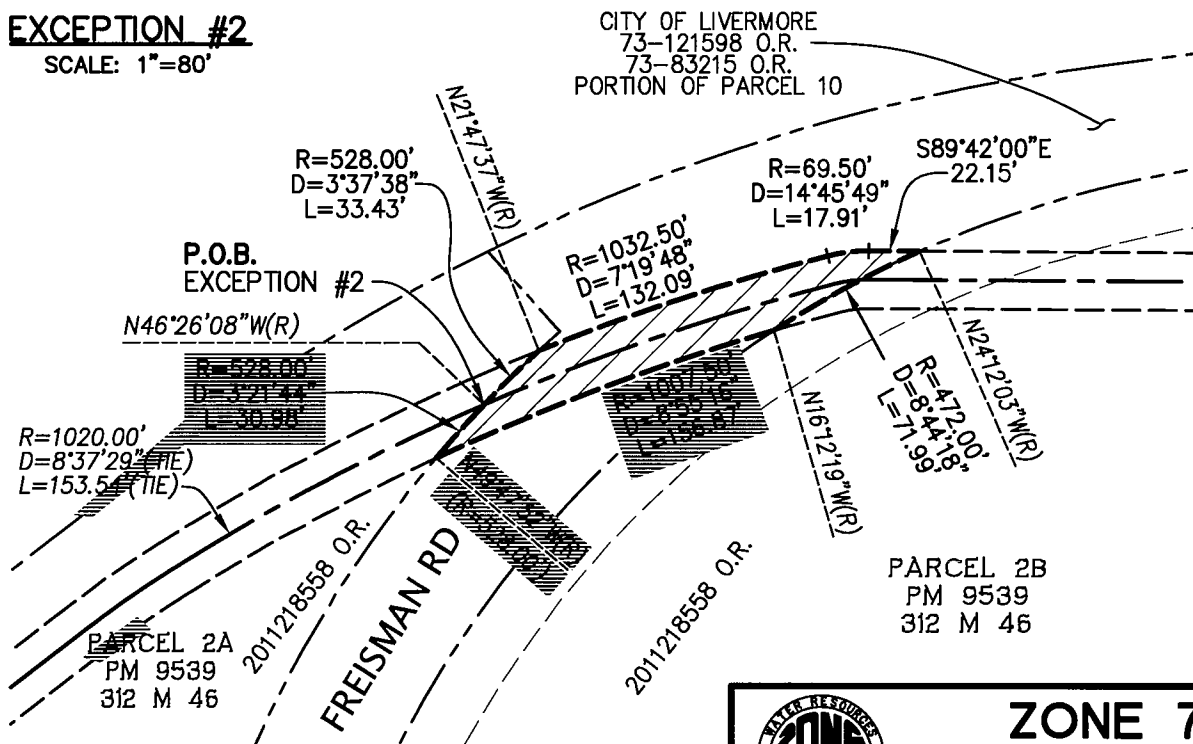
EXCEPTION #1

SCALE: 1"=80'



EXCEPTION #2

SCALE: 1"=80'



LEGEND:

O.R. OFFICIAL RECORD
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
(R) RADIAL BEARING
[Hatched Box] EXCEPTION AREA



0 40' 80' 160'
Scale 1" = 80 ft



ZONE 7

ALAMEDA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT

EXHIBIT "B"
CROSS VALLEY PIPELINE
WATERLINE EASEMENT

DRAWN: CH	TRACED:	DATE: MARCH 2012
CHECKED: KN	(K&W)	SCALE: 1" = 80'
APVL. REC:	FILE NO.	SHEET NO.
APPROVED:	RF-10113	2
		3

FREISMAN RD

A.C.F.C. & W.C.D.
ZONE 7 EASEMENT
2008180350 O.R.

"STRIP 2"
30' WIDE
N0°18'00"E
9.20'

15.00'

15.00'

12.70'(T)
N0°18'00"E

12.50'

15.00'

47.54'
S89°42'00"E 62.54'(T)

POINT "A"

R=42.00'
D=56°03'34"
L=41.09'

R=42.00'
D=45°00'00"
L=32.99'



0 10' 20' 40'
Scale 1" = 20 ft



ZONE 7

ALAMEDA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT

EXHIBIT "B"
CROSS VALLEY PIPELINE
WATERLINE EASEMENT

DRAWN:CH	TRACED:	DATE: MARCH 2012		
CHECKED: KN	(K&W)	SCALE: 1" = 20'		
APVL. REC:		FILE NO.	SHEET NO.	OF
APPROVED:		RF-10113	3	3

Recording Requested By
And
When Recorded Mail To:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The Grantee hereby declares this instrument to be exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Revenue and Taxation Code §11922).

**GRANT OF EASEMENT
(WATER PIPELINE)**

The CITY OF LIVERMORE, a municipal corporation (hereinafter "Grantor") hereby grants to ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, a body corporate and politic, (hereinafter "Grantee"), its successors and assigns, a perpetual easement, with subsurface and surface rights, for the purpose of laying down, constructing, reconstruction, removing, replacing, maintaining, operating, and using as Grantee may see fit for the transmission and distribution of water, a pipe or pipelines and any appurtenances to the operation or protection thereof, for the purpose of transmitting water in, through, and across the subject parcel as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the land situated in the City of Livermore, County of Alameda, State of California, described and depicted in Exhibit "A," attached hereto and incorporated herein by reference.

This Grant of Easement is executed and delivered to Grantee upon the following terms and conditions, to wit:

1. Grantee 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 Grantor's remaining property; provided however, that Grantee's exercise of such right of access shall not unreasonably interfere with Grantor's use of such roads or passageways.
2. Grantor shall have the right to use and enjoy said easement area for purposes which will not interfere with Grantee's full enjoyment of the rights herein granted; provided that, Grantor, its heirs, successors, or assigns shall not place or permit to be placed on said easement area any building or other structure or drill or operate any well on, under or within the land described in Exhibit "A" without the express written consent of Grantee.
3. Grantor further agrees that it reserves the right to landscape or make such other use of the surface lands included within the easement area consistent with the Grantee's use. Grantor will not interfere with the Grantee's full enjoyment of the rights herein granted; in particular, Grantor shall not plant any trees or shrubs nor make a change in the existing surface

elevation (grade) of the easement areas by more than one (1) foot without the expressed written consent of Grantee. Grantee's consent shall not however, be unreasonably withheld.

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5. Grantee agrees to defend and indemnify Grantor against all damages, expenses, costs and charges, and to save Grantor harmless from any and all claims for damages, and all loss and liability caused by the wrongful or negligent act or omission of Grantee, its officers, agents or employees. Notwithstanding the foregoing, Grantor shall defend and indemnify Grantee against all damages, expenses, costs and charges, and to save Grantee harmless from any and all claims for damages, and all loss and liability arising out of or in connection with the wrongful or negligent act or omission of Grantor, its officers, employees or designated volunteers with regards to the existence, use, maintenance, repair or alteration of Grantor's existing structures within the easement area.

This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect except by a subsequent modification in writing, signed by the party to be charged.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Acceptance and recordation of the Grant of Easement by Grantee shall signify Grantee's acceptance of the terms and conditions of the conveyance.

City of Livermore

By: _____

Name: _____

Title: _____

Cross Valley Pipeline

No. 70153

RF – 10114

DETAIL 'A'
NO SCALE

SEE
DETAIL 'B'
BELOW

P.O.B.
(PARCEL #1)

R=278.00'
D=10°27'40"
L=50.76'

P.O.C.
NW CORNER PARCEL 2B
PM 9539, 312 M 46



R=1020.00'
D=17°41'04" (TOTAL)
L=314.82' (TOTAL)

70152
ZONE 7
25.00' WATERLINE
EASEMENT

R=500.00'
D=5°22'52"
L=46.96'

R=30.50'
D=55°13'52"
L=29.40'

N2°45'37"W
113.07'

R=105.00'
D=28°45'12"
L=52.69'

R=95.00'
D=28°45'12"
L=47.67'

N2°45'37"W
190.97'

SEE
DETAIL 'A'
ABOVE

70153-2
PARCEL #2
(SEE SHEET 2)
D=8°37'29" (TIE)
L=153.54' (TIE)

PARCEL 2B
PM 9539
312 M 46

LANDS OF
LIVERMORE VALLEY LLC
2011218558 O.R.

EXISTING ZONE 7
25.00' WATERLINE
EASEMENT
RE: 3816 IM: 318
74-146544 O.R.

70153-1
PARCEL #1
(SEE SHEET 2)

P.O.B.
P.O.C.
NW CORNER
PARCEL 2B
PM 9539
312 M 46

DETAIL 'B'
NO SCALE

S89°42'00"E
506.08'

R=9947.00'
D=0°36'33"
L=105.76'



0 100' 200' 400'

Scale 1" = 200 ft



ZONE 7

ALAMEDA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT

EXHIBIT "B"
CROSS VALLEY PIPELINE
25.00' WATERLINE
EASEMENT

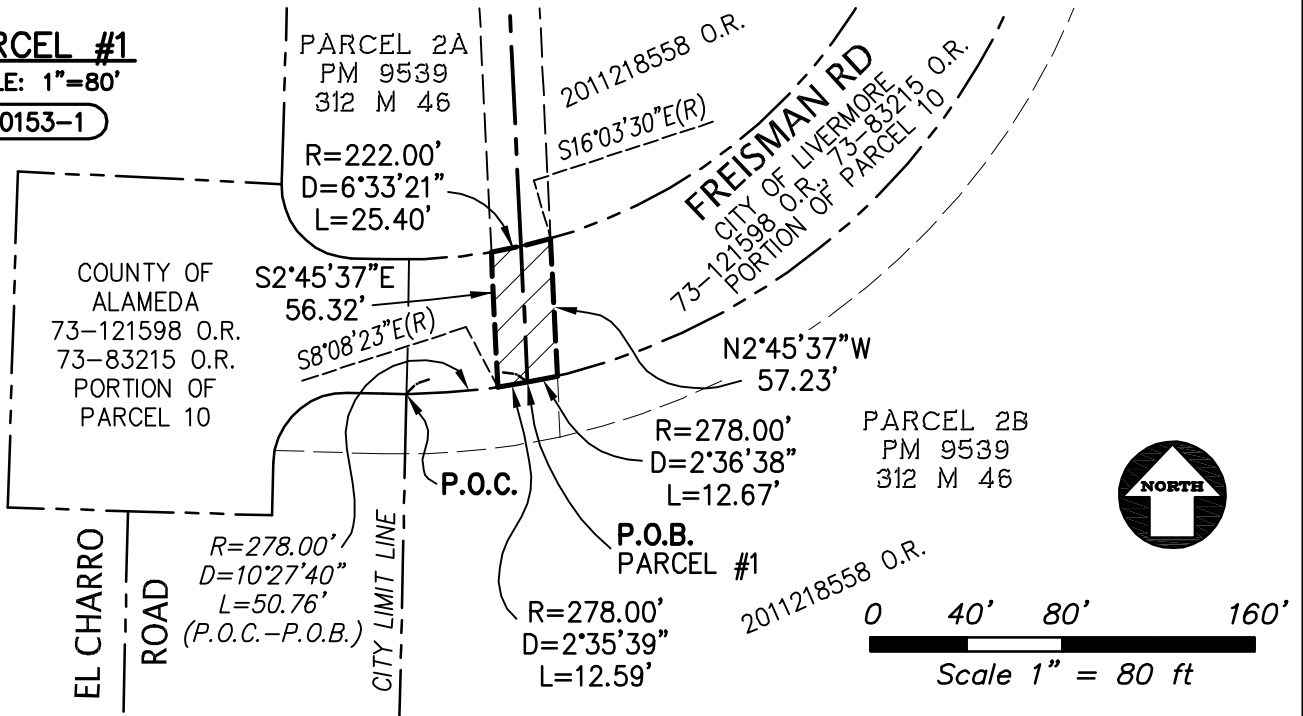
THE BEARINGS SHOWN ARE BASED UPON
THE CALIFORNIA COORDINATE SYSTEM OF
1927 (CCS27, ZONE 3). MULTIPLY THE
DISTANCES SHOWN BY 1.0000973 TO
OBTAIN GROUND LEVEL DISTANCES.

DRAWN:CH	TRACED:	DATE: NOVEMBER 2011		
CHECKED:KN (K&W)		SCALE: 1" = 200'		
APVL. REC:		FILE NO.	SHEET NO.	OF
APPROVED:		RF-10014	1	2

PARCEL #1

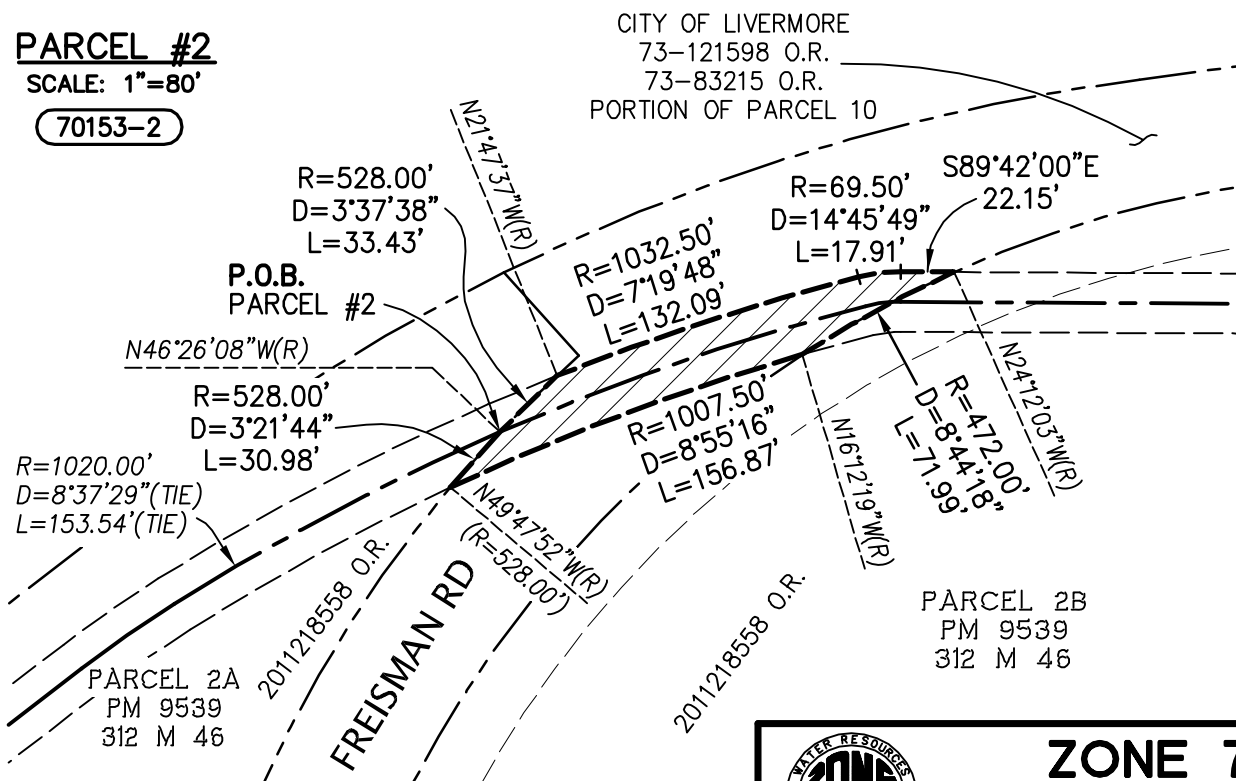
SCALE: 1"=80'

70153-1

**PARCEL #2**

SCALE: 1"=80'

70153-2

**LEGEND:**

O.R. OFFICIAL RECORD
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
(R) RADIAL BEARING
Parcel Area



0 40' 80' 160'

Scale 1" = 80 ft

**ZONE 7**

ALAMEDA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT

EXHIBIT "B"
CROSS VALLEY PIPELINE
25.00' WATERLINE
EASEMENT

DRAWN: CH	TRACED:	DATE: NOVEMBER 2011		
CHECKED: KN	(K&W)	SCALE: 1" = 200'		
APVL. REC:		FILE NO.	SHEET NO.	OF
APPROVED:		RF-10014	2	2

Recording Requested By
And
When Recorded Mail To:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The Grantee hereby declares this instrument to be exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Revenue and Taxation Code §11922).

APN's: 904-0013-002-06 (Por.), 904-0013-003 (Por.) and 904-0013-004 (Por.)

**GRANT OF EASEMENT
(WATER PIPELINE)**

PARAGON OUTLETS LIVERMORE VALLEY LLC (hereinafter "Grantor") hereby grants to ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, a body corporate and politic (hereinafter "Grantee"), its successors and assigns, a perpetual easement, with subsurface and surface rights, for the purpose of laying down, constructing, reconstruction, removing, replacing, maintaining, operating, and using as Grantee may see fit for the transmission and distribution of water, a pipe or pipelines and any appurtenances to the operation or protection thereof, for the purpose of transmitting water in, through, and across the subject parcel as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the land situated in the City of Livermore, County of Alameda, State of California, described and depicted in Exhibit "A," attached hereto and incorporated herein by reference.

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2. Grantor shall have the right to use and enjoy said easement area for purposes which will not interfere with Grantee's full enjoyment of the rights herein granted; provided that, Grantor, its heirs, successors, or assigns, except as otherwise provided in paragraph 3 below, shall not place or permit to be placed on said easement area any building or other structure or drill or operate any well on, under or within the land described in Exhibit "A" without the express written consent of Grantee.

3. Grantor further agrees that it reserves the right to landscape or make such other use of the surface lands included within the easement area consistent with the Grantee's use, including the use of the surface area for paved and curbed roadway, parking, drive aisle and entryway purposes. Grantor will not interfere with the Grantee's full enjoyment of the rights herein granted; in particular, Grantor shall not plant any trees or shrubs nor make a change in the existing surface elevation (grade) of the easement areas by more than one (1) foot without the expressed written consent of Grantee. Grantee's consent shall not however, be unreasonably withheld.
4. Grantee shall upon completion of any maintenance, replacement, repair or removal of the pipeline or related appurtenances, restore, as near as possible, the easement area to the condition in which it existed prior to the commencement of such work as is practicable. Grantee shall promptly backfill any trench made by it on said easement area, and repair any damage it causes to Grantor's roads or passages on said easement area, if any. Grantee further agrees to pay for damages to the personal property, caused by Grantee or its contractors in the, maintenance, replacement, repair or removal of the pipeline or related appurtenances.
5. Grantee agrees to defend and indemnify Grantor against all damages, expenses, costs and charges, and to save Grantor harmless from any and all claims for damages, and all loss and liability caused by the wrongful or negligent act or omission of Grantee, its officers, agents or employees. Notwithstanding the foregoing, Grantor shall defend and indemnify Grantee against all damages, expenses, costs and charges, and to save Grantee harmless from any and all claims for damages, and all loss and liability arising out of or in connection with the wrongful or negligent act or omission of Grantor, its officers, employees or designated volunteers with regards to the existence, use, maintenance, repair or alteration of Grantor's existing structures within the easement area.

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The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Acceptance and recordation of the Grant of Easement by Grantee shall signify Grantee's acceptance of the terms and conditions of the conveyance.

PARAGON OUTLETS LIVERMORE VALLEY LLC

By: 

Name: Robert A. Brvenik

Title: President

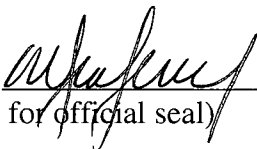
Cross Valley Pipeline

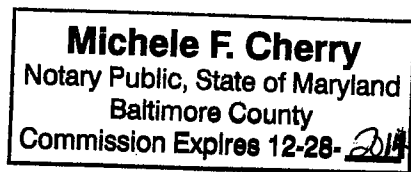
No. 70152
RF – 10113

STATE OF Maryland }
COUNTY OF Baltimore } SS:

On April 10, 2012, before me personally appeared Robert A. Brvenik, President of PARAGON OUTLETS LIVERMORE VALLEY LLC, personally known to me (or proved on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature 
(This area for official seal)





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: April 18, 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.

Ryan Gromer, Water Resources Technician II

Ryan Gromer transferred from the Alameda County Temporary Assignment Pool (TAP) on Monday, April 2 as a Water Resources Technician II performing stream gaging and water quality sampling for the Groundwater Section at the North Canyons Administration Office. Ryan came to Zone 7 through the TAP program in August 2011 with almost twelve years of experience as a Hydrologic Technician with the United States Geological Survey (USGS). His prior work experience with the USGS included installing, maintaining, and troubleshooting 'real time' satellite telemetered stream gages and groundwater level and water quality monitors; making surface water discharge measurements; conducting water quality sampling; measuring groundwater levels; collecting suspended sediment samples; running surveying levels; and working extensively with water resources data and computations.

Ryan has a Bachelor's Degree in Hydrology from the University of California at Davis with two years of lower division studies at the University of California at Berkeley.

Please join me in welcoming Ryan to the Zone 7 team!

RECOMMENDED ACTION:

Information only.



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: April 17, 2012

ITEM NO: **6b**

SUBJECT: Employee of the Month Recognition

SUMMARY:

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

Angela O'Brien, Associate Civil Engineer in the Water Quality Section at the Del Valle Water Treatment Plant, has been chosen from among those nominated as the February 2012 Employee of the Month. According to recommendations the committee received, Angela has a great work attitude and is a pleasure to work with. She has exceptional knowledge of the Drinking Water Regulations. Angela has a very positive attitude, produces high quality results in her work projects, has very good organizational skills, and is a very good mentor and coach to her co-workers. She is willing to work extra hours to ensure timelines are met and reports are well-prepared. Angela is very cooperative and is willing to entertain new ideas. Angela stresses the importance of collective efforts over individual accomplishments and is described as a team player.

The committee recognizes Angela 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 Angela O'Brien as February 2012 Employee of the Month.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Administrative Services

CONTACT: Tom Hughes

AGENDA DATE: April 18, 2012

ITEM NO. 7

SUBJECT: Contract for Temporary Financial Management Support Services

SUMMARY:

- Staff wish to retain temporary financial management support services during the next year to help address the additional temporary workload which includes transitioning financial, accounting, purchasing and payroll services from the County to Zone 7.
- During the last year, Urban Futures, Inc., has provided limited support for the Assistant General Manager – Finance, in selecting financial software, developing Standard Operating Procedures for financing and accounting and for general financial support.
- With the Assistant General Manager – Finance’s retirement coming at the start of the time with an increased transition workload, there is an urgent need to bring in additional temporary financial management direction and support for both the Finance and Accounting Sections as quickly as possible.
- To date, staff have been satisfied with the services provided by Urban Futures.
- Given Urban Futures’ knowledge of the transition processes, ability to take on additional management tasks without any wasted time and satisfactory performance to date, staff solicited a sole-source professional services proposal from Urban Futures; the resulting proposal is attached.
- Staff recommends authorizing the General Manager to negotiate and execute a one-year professional services contract with Urban Futures, Inc., for up to \$250,000.

FUNDING:

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

RECOMMENDED ACTION:

Approve attached Resolution, authorizing the General Manager to negotiate and execute a professional services contract with Urban Futures, Inc., to provide temporary financial management for up to \$250,000.

Attachments: Background memo
Resolution
Proposal

Interoffice Memo

Date: April 18, 2012
To: Directors
From: Jill Duerig
Subject: Contract for Temporary Financial Management Support Services

BACKGROUND:

The Assistant General Manager – Finance's recently retired. This retirement comes at the start of the time of the increased transition workload. Therefore, there is an urgent need to bring in additional temporary financial management services to provide direction and support to both the Finance and Accounting Sections as quickly as possible.

During the last year, Urban Futures, Inc., has provided support for the Assistant General Manager – Finance under a \$50,000 General Manager's contract, in selecting financial software, developing Standard Operating Procedures for financing, purchasing and accounting and providing general financial support. The full scope of that work was:

- Assist with the implementation of the new financial software;
- Help with the creation of the new Chart of Accounts;
- Assist with the ADP payroll implementation;
- Assist with the transition of banking services and treasury related services; and
- Assist with other miscellaneous financial management issues.

DISCUSSION:

Given Urban Futures' knowledge of the various aspects of the transition process, their ability to provide high-caliber financial management staff on a temporary, contract basis to take on additional management tasks without any wasted time and their satisfactory performance of assigned duties to date, staff solicited a sole-source professional services proposal from Urban Futures; the resulting proposal is attached. In summary, the scope for the temporary financial manager includes:

- Prepare revenue and expenditure projections as a part of the budget process, 10-Year Financial Plan, 5-Year Capital Improvement Plan, coordinate preparation of the annual budget, comprehensive financial report and related documents.
- Assist in the full transition of County services and revenue allocations.
- Reconcile all financial transactions, ensuring they are properly entered into the accounting system and segregated to the correct fund, activity; identify and correct any errors.
- Prepare various financial reports as required by law and under GASB Rules; provide financial analyses and reports as requested by the Agency Assistant General Manager.

- Analyze and reconcile expenditure and revenue accounts, including bank statements to general ledger; review and process appropriation transfer requests between accounts.
- Assist with investments, portfolio, cash and debt management.
- Other duties as assigned by the General Manager and/or Assistant General Manager.

Given Urban Futures' knowledge of the transition processes, ability to take on additional management tasks without any wasted time in coming up to speed on separation issues or Zone 7's/county financing relationships and their satisfactory performance to date, staff solicited a sole-source professional services proposal from Urban Futures.

The attached proposal outlines how Urban Futures, Inc., will meet Zone 7's temporary needs during the next year for a total, not-to-exceed amount of \$250,000.

RECOMMENDATION:

Approve attached Resolution, authorizing the General Manager to negotiate and execute a professional services contract with Urban Futures, Inc., to provide temporary financial management for up to \$250,000.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Temporary Financial Management Support Services

BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby accept the proposal from Urban Futures, Inc., to provide temporary financial management services during Zone 7's transition period;

BE IT FURTHER RESOLVED that the General Manager is hereby authorized to negotiate and execute a one-year contract with Urban Futures for such services for the not-to-exceed amount of \$250,000.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

April 18, 2012

By: _____
President, Board of Directors

Zone 7 Water Agency

Proposal to Provide Contract Administrative Services Staffing

April 9, 2012

Prepared by:

Urban Futures, Inc.
www.urbanfuturesinc.com

Corporate Office

3111 North Tustin, Suite 230
Orange, CA 92865
Bus: (714) 283-9334
Fax: (714) 283-5465

Northern California Office

1470 Maria Lane, Suite 315
Walnut Creek, CA 94596
Bus: (925) 478-7450
Fax: (925) 478-7697



April 9, 2012

Ms. Jill Dierig
General Manager
Zone 7 Water Agency
100 N. Cantons Parkway
Livermore, CA 9451

Subject: Proposal for Contract Administrative Services Staffing

Dear Ms. Duerig:

Urban Futures Inc. (UFI) is pleased to submit this proposal to provide contract administrative services staffing and support services. As a full service municipal consulting firm, UFI possesses the knowledge, staff, and successful track record in providing the specific services required by the Zone 7 Water Agency. Few firms are able to provide the variety of services offered by UFI, while simultaneously ensuring the highest quality product at the lowest possible cost to the City.

- This proposal reflects the second phase of professional services assisting the Agency with its transition from the County. UFI has been providing Phase I services in order to insure that the Agency is prepared to become independent on July 1, 2013.
- This outline reflects Phase II services including an organizational structure, general professional functions and a proposed fee for services.

We look forward to the opportunity to work the Zone 7 Water Agency. If you have any questions, please contact me at (714) 283-9334 or MichaelB@UrbanFuturesInc.com.

Sincerely,
URBAN FUTURES INCORPORATED

A handwritten signature in blue ink, appearing to read "Michael Busch", is positioned above the printed name.

Michael Busch
President



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Urban Futures - Company Background

Urban Futures, Inc. (UFI) is a full service consulting firm serving public agencies solely in the State of California. Founded in 1972, UFI is a closely held California corporation with offices in the cities of Orange and Walnut Creek, California.

Since our founding, UFI has served over 200 governmental entities in various capacities including, financial & management advisor, redevelopment consultant and interim staff. We have helped many California public agencies serve their businesses and residents by working to create sound fiscal policies and management practices.

Here is what we believe UFI “brings to the table”:

- Extensive knowledge of the municipal and special district operations and in depth knowledge of current trends;
- A team of professionals with a combined 150+ years of public agency management experience;
- Analytic sophistication that fosters a multi-disciplinary approach to problem solving regardless of project size or type; and
- Continuity of service; UFI is small enough so that there is never a break in the client/professional network, yet large enough to offer a full range of services.

Our greatest strength lies in the fact that our firm can provide a well diversified approach to service delivery through a comprehensive community, organization and sound management strategy. This combination enables UFI to develop and implement an innovative and community oriented strategy to providing management advisory and interim staffing services.

Core Services

UFI offers public clients a wide range of specialized services including finance, investment advisory services, management consulting and interim staffing services. Our core lines of business include the following:

Financial Advisory Services

Investment Advisory Services

Project Feasibility Studies

Interim Staffing

Management Advisory & Administration

Organizational Studies

Urban Futures employs 40 individuals including 23 professionals and 17 paraprofessional and support staff. The firm has two offices, with the main office in the Agency of Orange and a Northern California Location in the Agency of Walnut Creek. The proposed work for this proposal will be conducted out of the Orange office.

Our staff has served public agencies in many different capacities. We understand that each agency faces different circumstances and we acknowledge each as an independent organization with unique goals and objectives. Our services have included providing interim staffing, conducting budget analysis, recommending revenue diversification strategies, and creating fiscal policies for agencies to adopt.

Our public finance and public management groups are able to draw on the expertise of each other to produce excellent results. Because of our separate departments, our staff has been called upon to



advise public agencies in many different capacities. We understand that each agency faces different circumstances and we have worked with agencies in outstanding financial positions, as well as those in severe economic troubles. We believe our proposed staff, which includes former chief financial officers, has the best qualifications to serve the Zone 7 Water Agency.

Proposed Scope of Services

Urban Futures Inc. is pleased to submit this proposal to the Zone 7 Water Agency to provide contract staffing services. We understand that the Agency is seeking contract professional expertise in the financial area to further assist in the Agency's transition from the County.

As this proposal will demonstrate, Urban Futures has been a recognized leader in providing high quality finance and administrative consulting/contract staffing services to public agencies throughout California. Although we're best known over the years for our creative financial advisory practice, our multi-disciplinary approach makes Urban Futures a valuable member of any team on any level.

We are committed to initiating, facilitating, and maintaining open, collaborative communication with all parties. Urban Future's approach is characterized by the following:

- *CURIOSITY* - Asking the right questions and engaging the right people
- *CLARITY* - Being proactive in identifying issues, opportunities, and solutions
- *CREATIVITY* - Being an advocate for comprehensive solutions and being flexible with alternatives and choices
- *CONFIDENCE* - Ensuring thorough, frequent, and regular communication

Our team will work hard to meet the needs of the Zone 7 Water Agency and to help you achieve all of your community goals

Given the nature of this engagement, UFI proposes to assemble a project team based on Zone 7 Water Agency's unique needs. Michael Busch will provide overall direction and expert guidance for the project. The finance professionals available to manage the Agency's day-to-day financial operations are proposed to be interviewed by the Agency with the final selection made by the Agency. This will ensure the Agency has is able to select the individual that best meets the needs, skills and personality of the Agency.

With the completion of Phase One Pre-transition financial work, Urban Futures staff working in conjunction with the Agency's other consulting partners is prepared to engage its full team and resources to the effective and efficient implementation of Phase Two.

Phase Two includes financial transition manager activities that will need to be undertaken to implement all policies and procedures, staffing, financial, management, operational, transition and management systems between now and June 30, 2013. During this period, we will continue providing contract staffing services and perform day-to-day activities until transition work is complete, long term contract service providers are in place or staff is hired. We will identify alternative service delivery approaches and service requirements and make recommendations to the General Manager and Assistant General Manager regarding alternatives in providing these



services, and the best and most efficient plan for full transition.

To implement Phase Two services to the Zone 7 Water Agency, Urban Futures is proposing the following position and responsibilities to manage and facilitate financial and transition manager functions on the behalf of the Agency:

Finance Director / Transition Manager

Reporting directly to the Assistant General Manager, the role of the Finance Director / Transition Manager is to establish, direct, plan, supervise and organize the Agency's short and long-range financial goals and systems by creating and analyzing budget, accounting, auditing, cost accounting, cash management, revenue collection, grant accounting, inventory control and related agency functions. In addition, this individual will analyze funding proposals and negotiate financial agreements. Specific responsibilities of this position include:

- Prepare revenue and expenditure projections as a part of the budget process, 10-Year Financial Plan, 5-Year Capital Improvement Plan, coordinate preparation of the annual budget, comprehensive financial report and related documents.
- Assist in the full transition of County services and revenue allocations.
- Reconcile all financial transactions, ensuring they are properly entered into the accounting system and segregated to the correct fund, activity; identify and correct any errors.
- Prepare various financial reports as required by law and under GASB Rules; provide financial analyses and reports as requested by the Agency Assistant General Manager.
- Analyze and reconcile expenditure and revenue accounts, including bank statements to general ledger; review and process appropriation transfer requests between accounts.
- Assist with investments, portfolio, cash and debt management.
- Other duties as assigned by the General Manager and/or Assistant General Manager



Fee Schedule

PROPOSED FEE SCHEDULE:

The following proposed fee structure reflects full-time staffing inclusive of vacation time, holidays and lunch breaks. Hours billed will be based on actual hours worked.

	Hourly Rate	Hours	% based on 1920
<u>Financial Services</u>			
Finance Director / Transition Manager	120.00	2080.00	100.00%

Additional hours may be necessary to attend meetings as directed by the General Manager and/or Assistant General Manager. In no event, will the total contract costs exceed \$250,000.



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: TAMARA BAPTISTA/JAVIA GREEN

AGENDA DATE: April 18, 2012

ITEM NO. 8

**SUBJECT: Proposed FY 2012/13 Budget for Alameda County
Transition from a July 1 – June 30 Fiscal Year to a Calendar Fiscal Year
18-Month Transition Budget**

SUMMARY:

- Zone 7 submits a budget to Alameda County (County) for the three operating funds (Funds 50, 51 and 52) for inclusion in the County-wide budget. Staff has prepared FY 12/13 budgets for these three funds and recommends adoption before submittal to the County.
- Staff recommends to transition from a July 1 – June 30 Fiscal Year to a Calendar Fiscal Year, starting January 1, 2013.
- In order for Zone 7 to transition to a calendar year budget effective January 1, 2013, staff recommends that the Board approve additional appropriations necessary to create an 18-month transition budget covering the period July 1, 2011 – December 31, 2012.
- Staff met with the Finance Committee on March 19, 2012 and the committee concurred with staff's recommendation and directed staff to present this agenda item to the full Board.
- Staff recommends adopting the attached resolution 1) approving the FY 12/13 Alameda County budgets as outlined in Exhibits A1-A3; 2) authorizing Zone 7 to transition to a calendar fiscal year; and, 3) approve additional appropriations necessary to create the 18-month transition budget as outlined in Exhibits A4-A6 and B1-B3.

RECOMMENDED ACTION:

Adopt the attached resolution.

ATTACHMENTS:

Memo providing additional background on agenda item
Exhibits A1-A6 and B1-B3
Zone 7 Board Resolution

Interoffice Memo

Date: April 18, 2012
To: Jill Duerig, General Manager
From: Tamara Baptista, Financial & Systems Services Manager
JaVia Green, Staff Analyst
Subject: Proposed FY 2012/13 Budget for Alameda County
Transition from a July 1 – June 30 Fiscal Year to a Calendar Fiscal Year
18-Month Transition Budget

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

BACKGROUND/DISCUSSION

FY 12/13 Proposed Budget for Submittal to County

Zone 7 submits a budget to the County for the three operating funds (Funds 50, 51 and 52) for inclusion in the County-wide budget. Upon adoption by the Zone 7 Board, Zone 7's budget is then collated with the other County department's budgets and presented to the Board of Supervisors for adoption in June. Zone 7 staff has prepared preliminary FY 12/13 County budgets for the three operating funds. Details of these budgets are below and in Exhibits A1, A2 and A3.

For the FY 12/13 proposed County budgets to be submitted to the County:

- The proposed General Fund/Flood Control (Exhibit A1) expenditure budget is \$5.6 million and reserves are \$23 million. The FY 12/13 expenditures are decreasing \$3 million compared to the FY11/12 budget due to one-time projects.
- The proposed State Water Facilities Fund (Exhibit A2) expenditure budget is \$13.9 million and reserves are \$8.2M. The expenditures are increasing \$1.4 million over the FY11/12 budget, based on increasing State Department of Water Resources charges.
- The proposed Water Enterprise Fund (Exhibit A3) expenditure budget is \$32.2 million and reserves are \$11.4 million. The expenditures are decreasing by \$1.3 million compared to the FY 11/12 budget primarily due to personnel cost savings and lower power costs due to lower demand, PG&E rate changes and Del Valle solar power.

Transition from a July 1 – June 30 Fiscal Year to a Calendar Fiscal Year

Zone 7's finances are on a fiscal year which starts on July 1 and ends on June 30, while water rates are on a calendar year (January 1 – December 31). As part of streamlining our business practices, we plan to make the Agency's fiscal year be a calendar fiscal year. Staff currently prepares two Water Enterprise funds budget yearly - a preliminary budget in the fall to determine water rates and a final budget in the spring to line up with the County's fiscal year. Changing to a calendar year would mean that budget and water rates would cover the same time period (January 1 through December 31) and would be prepared and presented to the Board at the same time. Changing to a calendar fiscal year would also align the Agency's budget and finances with the Department of Water Resources Annual Statement of Charges. The first calendar fiscal year budget will be 2013.

If Zone 7 transitions from a July 1 – June 30 fiscal year to a calendar fiscal year, our external auditors, Maze and Associates and the State Controller's Office are requesting an initial 18- month audit which would be from July 1, 2011 through December 31, 2012. Subsequent audits would be based on a calendar fiscal year.

While working with the new financial software vendor - New World Systems, on the new financial software, staff inquired about the possibility of changing from a July 1 through June 30 fiscal year to a calendar fiscal year. They stated that in order to change to a calendar fiscal year, Zone 7 would have to recreate the entire chart of accounts and it would be much more efficient to start off with a calendar fiscal year in the new software system.

18-Month Transition Budget

In order for Zone 7 to transition to a calendar year budget effective January 1, 2013, staff recommends that the Board approve additional appropriations necessary to create a 18-month transition budget, covering the period July 1, 2011 – December 31, 2012 for both the three operating funds (Funds 50, 51 and 52) and three capital funds (Funds 72, 73 and 76). This transition budget is comprised of the FY 11/12 Board-approved budget plus the first six months of the FY 12/13 budgets developed by staff. Details of these amended budgets are included in Exhibits A3, A4, A5, B1, B2 and B3.

In most cases these budgets were developed by taking half of the full FY 12/13 budgets. Some exceptions were made for water production costs (variable, storage, chemicals and power) due to the seasonal nature of water sales (e.g., higher water sales in the summer months), flood control maintenance cost (e.g., higher construction costs during the summer when planned maintenance activities are allowed under permits) and capital project budgets. Capitals budgets primarily include planning costs.

Staff recommends the following additional appropriations necessary to create the 18-month transition budget (shown in bold):

Fund 50 - Exhibit A4	FY 11/12 Adopted	(7/1/12 -12/31/12)	Total
Revenue	\$6,052,327	\$3,571,836	\$9,624,163
Expenditures	\$8,682,000	\$3,495,574	\$12,177,574

Fund 51- Exhibit A5	FY 11/12 Adopted	(7/1/12 -12/31/12)	Total
Revenue	\$11,654,687	\$6,300,485	\$17,955,172
Expenditures	\$15,849,339	\$8,030,776	\$23,880,115
Credits	(\$3,287,818)	(\$1,374,236)	(\$4,662,053)
Expenditures	\$12,561,522	\$6,656,540	\$19,218,062

Fund 52 - Exhibit A6	FY 11/12 Adopted	(7/1/12 - 12/31/12)	Total
Revenue	\$36,348,800	\$18,648,594	\$54,997,394
Expenditures	\$33,542,069	\$17,457,391	\$50,999,460
Transfer to Fund 72	(\$5,044,148)	(\$3,300,000)	(\$8,344,148)

Transition Budgets for Capital Funds

Staff developed FY 12/13 budgets for the capital funds, then determined how much will be spent between July through December. The budgets for FY 12/13 are based on the projects identified in the FY 12/13 adopted CIP. The additional appropriations necessary create the 18-month transition budget are shown in bold. Details of these budgets are in Exhibits B1, B2 and B3.

Fund 72 - Exhibit B1	FY 11/12 Adopted	(7/1/12 - 12/31/12)	Total
Revenue	\$5,634,317	\$3,384,126	\$9,018,443
Expenditures	\$7,865,153	\$3,508,963¹	\$11,374,116

Fund 73 - Exhibit B2			
Revenue	\$10,737,137	\$7,407,711	\$18,144,848
Expenditures	\$20,560,496	\$13,849,251²	\$34,409,747

Fund 76 - Exhibit B3			
Revenue	\$1,639,149	\$819,574	\$2,458,723
Expenditures	\$1,907,342	\$1,210,781³	\$3,118,123

1. This budget primarily reflects planning for construction projects that will occur in 2013. One exception is the Cope Lake Repair project which will commence in fall 2012.
2. This budget primarily reflects planning costs. Some exceptions are payments to the Department of Water Resources which are monthly or twice a year; another exception is the Cope Lake Repair project which will commence in fall 2012.
3. This budget primarily reflects planning for projects that will occur in 2013. One exception is the Cope Lake Repair project which will commence in fall 2012.

Exhibits

**EXHIBIT A1 - COUNTY BUDGET WORKSHEET
GENERAL FUND/FLOOD CONTROL (50)**

Acct #	50 Account Description	Final Budget 11/12	Proposed Budget 12/13	Change Amount	Opr/Emer Reserves
<u>Revenues & Transfers</u>					
4111	Property Taxes Current Secured	\$5,362,311	\$5,362,311	\$0	
4112	Property Taxes Current Unsecured	\$306,000	\$306,000	\$0	
4113	Property Tax-Supplemental	\$3,672	\$30,000	\$26,328	
4114	Property Taxes Prior Secured	\$153,000	\$150,000	(\$3,000)	
4115	Property Taxes Sa Secured	\$10,200	\$10,000	(\$200)	
4116	Property Taxes Prior Unsecured	\$9,180	\$10,000	\$820	
4117	Property Taxes Prior Sa Unsecured	\$1,020	\$5,000	\$3,980	
4191	Other Licenses & Permits	\$816	\$1,500	\$684	
4211	Disaster Reimbursements	\$0	\$0	\$0	
4221	HPTR	\$54,000	\$54,000	\$0	
4241	Federal;Other	\$0	\$0	\$0	
4251	Local Housing Authority In-Lieu	\$600	\$690	\$90	
4311	Interest on Investments	\$100,000	\$134,475	\$34,475	
4331	Rent of Land & Buildings	\$17,460	\$17,500	\$40	
4610	Other Charges for Current Services	\$10,200	\$10,000	(\$200)	
4631	Plan Checking Fees	\$1,428	\$1,500	\$72	
4810	Other Revenue	\$22,440	\$25,000	\$2,560	
	<u>Total Revenues</u>	<u>\$6,052,327</u>	<u>\$6,117,976</u>	<u>\$65,649</u>	
<u>Expenditures, Reserves & Credits</u>					
6100	<u>Labor & Overhead Apportioned</u>				
6110	Direct Labor & Benefits Appor	\$865,067	\$972,565	\$107,498	\$178,540
6120	Indirect Labor & Benefits Appor	\$351,315	\$392,982	\$41,667	
	<u>Total Personnel</u>	<u>\$1,216,382</u>	<u>\$1,365,547</u>	<u>\$149,165</u>	<u>\$178,540</u>
6200	<u>Professional & Technical Svcs</u>				
6210	Professional & Tech Svcs	\$5,823,699	\$6,172,189	\$348,490	\$4,855,214
6230	County Prof & Tech Services	\$25,000	\$55,000	\$30,000	
6250	District Prof & Tech Services	\$0	\$0	\$0	
6280	Dist Labor/Indirect - Misc	\$0	\$0	\$0	
6500	<u>Utilities</u>				
6510	Gas & Electricity	\$0	\$0	\$0	
6520	Communications	\$4,750	\$3,000	(\$1,750)	
6600	<u>Facilities Services</u>				
6610	Cleaning Services	\$6,000	\$6,000	\$0	
6610	Other	\$0	\$0	\$0	
6612	Garbage Disposal	\$6,000	\$6,000	\$0	
6614	Janitorial Service	\$0	\$0	\$0	
6620	Maint Svcs & Mat - Equipment	\$130,090	\$170,718	\$40,628	\$165,218
6630	Maint Svcs & Mat - Strcuts & Imp's	\$17,966,032	\$19,616,466	\$1,650,434	\$16,854,466
6640	Rents & Leases - Equipment	\$72,058	\$82,276	\$10,218	\$57,276
6650	Rents & Leases - Land, Strcuts	\$114,000	\$0	(\$114,000)	
6670	Other Property Services	\$0	\$2,500	\$2,500	
6700	<u>Services and Supplies</u>				
6720	Emergency & Safety	\$11,000	\$6,000	(\$5,000)	
6740	Office Expense	\$92,400	\$61,600	(\$30,800)	
6750	Organization Memberships & Dues	\$113,600	\$79,500	(\$34,100)	
6760	Other Services & Supplies	\$117,459	\$112,928	(\$4,531)	\$96,928
6761	Advertising & Legal Services	\$2,000	\$1,500	(\$500)	
6762	Clothing & Personal Supplies	\$2,100	\$2,000	(\$100)	
6764	Household Expense	\$400	\$0	\$0	
6765	Laboratory Supplies	\$2,000	\$0	\$0	
6766	Tools & Instruments	\$25,100	\$1,500	(\$23,600)	
6767	State & Local Fees	\$10,200	\$10,000	(\$200)	
6768	Uniform Service	\$1,100	\$1,000	(\$100)	
6769	Other	\$74,559	\$96,928	\$22,369	
6770	Training	\$17,500	\$13,000	(\$4,500)	
6780	Transportation	\$500	\$0	(\$500)	
6790	Travel	\$5,500	\$5,500	\$0	
6800	<u>Equipment</u>				
6810	Equipment & Vehicle Expense	\$58,848	\$81,066	\$22,218	\$0
6900	<u>Other</u>				
6910	Non-Operating Expense	\$31,000	\$25,000	(\$6,000)	
	<u>Total Services & Supplies</u>	<u>\$24,589,436</u>	<u>\$26,492,743</u>	<u>\$1,903,307</u>	<u>\$22,029,102</u>
6245	Reprographics-AlaCo	\$0	\$0	\$0	
	<u>Total Non-Discretionary Expenditure:</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	
7500	<u>Capital Land, Structures, & Equip</u>				
7510	Capital Structures & Improvmnts	\$671,913	\$758,060	\$86,147	\$758,060
7520	Capital Equipment		\$3,500	\$3,500	
	<u>Total Fixed Assets</u>	<u>\$671,913</u>	<u>\$761,560</u>	<u>\$89,647</u>	<u>\$758,060</u>
	<u>Total Expenditures</u>	<u>\$26,477,731</u>	<u>\$28,619,850</u>	<u>\$4,132,942</u>	<u>\$22,965,703</u>
	% Change General Fund/Flood Control Budget			15.61%	

**EXHIBIT A2 - COUNTY BUDGET WORKSHEET
STATE WATER FACILITIES FUND (51)**

Acct #	51 Account Description	Final Budget 11/12	Proposed Budget 12/13	Change Amount	Opr/Emer Reserves
<u>Revenues & Transfers</u>					
4111	Property Taxes Current Secured	\$8,839,167	\$9,487,905	\$648,738	
4112	Property Taxes Current Unsecured	\$285,833	\$337,095	\$51,262	
4113	Property Tax-Supplemental	\$175,000	\$175,000	\$0	
4114	Property Taxes Prior Secured	\$150,000	\$145,994	(\$4,006)	
4115	Property Taxes Sa Secured	\$0	\$1,318	\$1,318	
4116	Property Taxes Prior Unsecured	\$0	\$2,688	\$2,688	
4117	Property Taxes Prior Sa Unsecured	\$0	\$0	\$0	
4221	Homeowners Prop Tax Relief	\$45,000	\$45,000	\$0	
4251	Local Housing Authority In-Lieu	\$505	\$505	\$0	
4311	Interest on Investments	\$25,000	\$25,750	\$750	
4321	Interest from Other Sources	\$0	\$0	\$0	
4541	Water Service Surcharge	\$1,184,182	\$1,314,313	\$130,131	
4810	Other Revenue	\$950,000	\$1,065,403	\$115,403	
	<u>Total Revenues</u>	<u>\$11,654,687</u>	<u>\$12,600,971</u>	<u>\$946,284</u>	
<u>Expenditures, Reserves & Credits</u>					
6410	Water - DWR Fixed Charges	\$22,597,631	\$24,943,039	\$2,345,407	\$8,220,442
6419	Credits for Fixed Cost from Expansion	(\$3,287,818)	(\$2,748,472)	\$539,346	
	<u>Total Expenditures</u>	<u>\$19,309,814</u>	<u>\$22,194,567</u>	<u>\$2,884,753</u>	<u>\$8,220,442</u>
% Change State Water Facilities Fund				14.94%	

EXHIBIT A3 - COUNTY BUDGET WORKSHEET
WATER ENTERPRISE FUND (52)

Acct #	Account Description	Final Budget 11/12	Proposed Budget 12/13	Change Amount	Oper/Emer Reserves
<u>Revenues & Transfers</u>					
4230	SB 90 Claims	\$700	\$700	\$0	
4310	Interest on Investments	\$100,000	\$95,000	(\$5,000)	
4320	Interest from Other Sources	\$0	\$0	\$0	
4330	Rent of Land and Buildings	\$31,000	\$31,000	\$0	
4510	Treated Water Sales	\$35,738,630	\$36,635,455	\$896,825	
4520	Untreated Water Sales	\$435,450	\$450,000	\$14,550	
4530	Temporary Water Sales	\$2,020		(\$2,020)	
4720	Transfers From Other Deposits	\$0	\$0	\$0	
4810	Other Revenues	\$41,000	\$93,300	\$52,300	
	Total Revenues	\$36,348,800	\$37,305,455	\$956,655	
	Transfers-in (out)				
	72-542	(\$5,044,148)	(\$6,600,000)	(\$1,555,852)	
	Total Transfers	(\$5,044,148)	(\$6,600,000)	(\$1,555,852)	
	Net Revenue Available	\$31,304,652	\$30,705,455	(\$599,197)	
<u>Expenditures, Reserves & Credits</u>					
<u>Labor & Overhead Apportioned</u>					
6110	Direct Labor & Benefits Appor	\$17,986,175	\$18,157,464	\$171,289	\$2,189,911
	Total Personnel	\$17,986,175	\$18,157,464	\$171,289	\$2,189,911
<u>Professional & Technical Svcs</u>					
6210	Professional & Tech Svcs	\$2,735,499	\$2,630,377	(\$105,122)	\$297,570
6230	County Prof & Tech Services	\$80,100	\$83,100	\$3,000	
6250	District Prof & Tech Services	\$0	\$0	\$0	
<u>Chemicals</u>					
6310	Chemicals	\$3,530,995	\$3,466,985	(\$64,010)	\$0
<u>Water</u>					
6420	SWP - Variable Costs	\$3,086,802	\$2,956,134	(\$130,668)	\$0
6429	Credits for Variable Cost fr Expansion			\$0	
6430	Water Entitlement/Option Purchases	\$858,000	\$395,160	(\$462,840)	
6460	Water Storage	\$1,252,750	\$1,025,100	(\$227,650)	
6480	Water Other	\$965,449	\$950,614	(\$14,835)	
6490	Water Rate Designations	\$5,000,000	\$5,000,000	\$0	\$5,000,000
<u>Utilities</u>					
6510	Gas & Electricity	\$2,128,465	\$1,666,556	(\$461,909)	\$0
6520	Communications	\$139,023	\$226,618	\$87,595	
<u>Facilities Services</u>					
6610	Cleaning Services	\$53,596	\$64,996	\$11,400	
6610	Other	\$2,500	\$2,500	\$0	
6612	Garbage Disposal	\$9,400	\$15,400	\$6,000	
6614	Janitorial Service	\$41,696	\$47,096	\$5,400	
6620	Maint Svcs & Mat - Equipment	\$1,645,453	\$1,534,282	(\$111,171)	\$1,317,807
6630	Maint Svcs & Mat - Strcuts & Imp's	\$3,822,858	\$3,831,782	\$8,924	\$1,317,807
6640	Rents & Leases - Equipment	\$1,614,033	\$1,426,357	(\$187,676)	\$1,317,807
6650	Rents & Leases - Land, Strcuts	\$35,375	\$35,150	(\$225)	
6670	Other Property Services	\$33,250	\$33,350	\$100	
<u>Services and Supplies</u>					
6720	Emergency & Safety	\$55,500	\$55,000	(\$500)	
6740	Office Expense	\$892,080	\$596,145	(\$295,935)	
6750	Organization Memberships & Dues	\$372,605	\$451,823	\$79,218	
6760	Other Services & Supplies	\$600,505	\$687,570	\$87,065	
6761	Advertising & Legal Services	\$11,500	\$13,500	\$2,000	
6762	Clothing & Personal Supplies	\$17,835	\$17,640	(\$195)	
6764	Household Expense	\$2,200	\$1,810	(\$390)	
6765	Laboratory Supplies	\$127,885	\$136,885	\$9,000	
6766	Tools & Instruments	\$20,480	\$17,400	(\$3,080)	
6767	State & Local Fees	\$398,625	\$477,175	\$78,550	
6768	Uniform Service	\$21,980	\$23,160	\$1,180	
6769	Other	\$0	\$0	\$0	
6770	Training	\$253,934	\$311,637	\$57,703	
6780	Transportation	\$35,025	\$27,700	(\$7,325)	
6790	Travel	\$84,800	\$103,000	\$18,200	
<u>Equipment</u>					
6810	Equipment & Vehicle Expense	\$272,500	\$280,000	\$7,500	
<u>Other</u>					
6910	Non-Operating Expense	\$296,350	\$299,450	\$3,100	
6920	Special Department Expense		\$671,900	\$671,900	
	Total Discretionary Expenditures	\$29,844,947	\$28,810,786	(\$947,096)	\$9,250,991
6241	County Tie-line	\$4,500	\$4,000	(\$500)	
6242	Maint-Electronic Equip-GSA	\$29,700	\$25,500	(\$4,200)	
6243	Equip & Vehicle Fuel & Oil-GSA	\$16,416	\$21,910	\$5,494	
6244	Data Processing Services	\$96,383	\$100,060	\$3,677	
6245	Reprographics-AlaCo	\$0	\$0	\$0	
6246	Risk Management Ins	\$354,389	\$335,047	(\$19,342)	
	Total Non-Discretionary Expenditure	\$501,388	\$486,517	(\$14,871)	\$0
	Total Services & Supplies	\$30,346,335	\$29,297,303	(\$961,967)	\$9,250,991
6247	County Indirect Costs	\$568,713	\$588,915	\$20,202	
<u>Capital Land, Structures, & Equip</u>					
7510	Capital Structures & Improvmts				
7520	Capital Equipment	\$71,000	\$37,000	(\$34,000)	\$0
	Total Fixed Assets	\$71,000	\$37,000	(\$34,000)	\$0
<u>Intra Fund Transfers</u>					
7610	Credit for Inter-department Charges	(\$3,721,740)	(\$4,435,280)	(\$713,540)	
	Total Expenditures	\$45,250,483	\$43,645,402	(\$1,518,016)	\$11,440,902
	% Change Water Enterprise Budget			-3.35%	

EXHIBIT A4 - TRANSITION BUDGET WORKSHEET
GENERAL FUND/FLOOD CONTROL (50)

Acct #	50 Account Description	FY 11/12 Adopted Budget	July 12 - Dec 12	Total Transition Budget	Opr/Emer Reserves
<u>Revenues & Transfers</u>					
4111	Property Taxes Current Secured	\$5,362,311	\$3,163,763	\$8,526,074	
4112	Property Taxes Current Unsecured	\$306,000	\$180,540	\$486,540	
4113	Property Tax-Supplemental	\$3,672	\$17,700	\$21,372	
4114	Property Taxes Prior Secured	\$153,000	\$75,000	\$228,000	
4115	Property Taxes Sa Secured	\$10,200	\$5,000	\$15,200	
4116	Property Taxes Prior Unsecured	\$9,180	\$5,000	\$14,180	
4117	Property Taxes Prior Sa Unsecured	\$1,020	\$2,500	\$3,520	
4191	Other Licenses & Permits	\$816	\$750	\$1,566	
4221	HPTR	\$54,000	\$27,000	\$81,000	
4241	Federal;Other	\$0	\$0	\$0	
4251	Local Housing Authority In-Lieu	\$600	\$345	\$945	
4311	Interest on Investments	\$100,000	\$67,237	\$167,237	
4331	Rent of Land & Buildings	\$17,460	\$8,750	\$26,210	
4610	Other Charges for Current Services	\$10,200	\$5,000	\$15,200	
4631	Plan Checking Fees	\$1,428	\$750	\$2,178	
4810	Other Revenue	\$22,440	\$12,500	\$34,940	
	Total Revenues	\$6,052,327	\$3,571,836	\$9,624,163	
<u>Expenditures, Reserves & Credits</u>					
<u>Labor & Overhead Apportioned</u>					
6110	Direct Labor & Benefits Appor	\$865,067	\$397,012	\$1,262,079	\$178,540
6120	Indirect Labor & Benefits Appor	\$351,315	\$196,491	\$547,806	
	Total Personnel	\$1,216,382	\$593,503	\$1,809,885	\$178,540
<u>Professional & Technical Svcs</u>					
6210	Professional & Tech Svcs	\$5,823,699	\$1,404,313	\$7,228,012	\$4,458,064
6230	County Prof & Tech Services	\$25,000	\$27,500	\$52,500	
6250	District Prof & Tech Services	\$0	\$0	\$0	
6280	Dist Labor/Indirect - Misc	\$0	\$0	\$0	
<u>Utilities</u>					
6510	Gas & Electricity	\$0	\$0	\$0	
6520	Communications	\$4,750	\$1,500	\$6,250	
<u>Facilities Services</u>					
6610	Cleaning Services	\$6,000	\$3,000	\$9,000	
6610	Other	\$0	\$0	\$0	
6612	Garbage Disposal	\$6,000	\$3,000	\$9,000	
6614	Janitorial Service	\$0	\$0	\$0	
6620	Maint Svcs & Mat - Equipment	\$130,090	\$27,364	\$157,454	\$151,704
6630	Maint Svcs & Mat - Structs & Imp's	\$17,966,032	\$4,537,962	\$22,503,994	\$15,475,794
6640	Rents & Leases - Equipment	\$72,058	\$21,033	\$93,091	\$52,591
6650	Rents & Leases - Land, Structs	\$114,000	\$0	\$114,000	
6670	Other Property Services	\$0	\$1,250	\$1,250	
<u>Services and Supplies</u>					
6720	Emergency & Safety	\$11,000	\$3,000	\$14,000	
6740	Office Expense	\$92,400	\$30,800	\$123,200	
6750	Organization Memberships & Dues	\$113,600	\$39,750	\$153,350	
6760	Other Services & Supplies	\$117,459	\$22,440	\$139,899	\$88,999
6761	Advertising & Legal Services	\$2,000	\$500	\$2,500	
6762	Clothing & Personal Supplies	\$2,100	\$1,000	\$3,100	
6764	Household Expense	\$400	\$0	\$400	
6765	Laboratory Supplies	\$2,000	\$0	\$2,000	
6766	Tools & Instruments	\$25,100	\$750	\$25,850	
6767	State & Local Fees	\$10,200	\$5,000	\$15,200	
6768	Uniform Service	\$1,100	\$750	\$1,850	
6769	Other	\$74,559	\$14,440	\$88,999	
6770	Training	\$17,500	\$6,500	\$24,000	
6780	Transportation	\$500	\$0	\$500	
6790	Travel	\$5,500	\$2,750	\$8,250	
<u>Equipment</u>					
6810	Equipment & Vehicle Expense	\$58,848	\$40,533	\$99,381	\$0
<u>Other</u>					
6910	Non-Operating Expense	\$31,000	\$12,500	\$43,500	
	Total Services & Supplies	\$24,589,436	\$6,182,195	\$30,771,631	\$20,227,152
<u>Capital Land, Structures, & Equip</u>					
7510	Capital Structures & Improvmts	\$671,913	\$714,987	\$1,386,900	\$1,386,900
7520	Capital Equipment		\$1,750	\$1,750	
	Total Fixed Assets	\$671,913	\$716,737	\$1,388,650	\$1,386,900
	Total Expenditures w/Reserves	\$26,477,731	\$7,492,435	\$33,970,166	\$21,792,592
	Net Expenditures w/o Reserves	\$8,682,000	\$3,495,574	\$12,177,574	

EXHIBIT A5 - TRANSITION BUDGET WORKSHEET
STATE WATER FACILITIES FUND (51)

Acct #	51 Account Description	FY 11/12 Adopted Budget	July 12 - Dec 12	Total Transition Budget	Opr/Emer Reserves
<u>Revenues & Transfers</u>					
4111	Property Taxes Current Secured	\$8,839,167	\$4,743,953	\$13,583,120	
4112	Property Taxes Current Unsecured	\$285,833	\$168,548	\$454,381	
4113	Property Tax-Supplemental	\$175,000	\$87,500	\$262,500	
4114	Property Taxes Prior Secured	\$150,000	\$72,997	\$222,997	
4115	Property Taxes Sa Secured	\$0	\$659	\$659	
4116	Property Taxes Prior Unsecured	\$0	\$1,344	\$1,344	
4117	Property Taxes Prior Sa Unsecured	\$0	\$0	\$0	
4221	Homeowners Prop Tax Relief	\$45,000	\$22,500	\$67,500	
4251	Local Housing Authority In-Lieu	\$505	\$253	\$758	
4311	Interest on Investments	\$25,000	\$12,875	\$37,875	
4321	Interest from Other Sources	\$0	\$0	\$0	
4541	Water Service Surcharge	\$1,184,182	\$657,157	\$1,841,339	
4810	Other Revenue	\$950,000	\$532,701	\$1,482,701	
	<u>Total Revenues</u>	<u>\$11,654,687</u>	<u>\$6,300,485</u>	<u>\$17,955,172</u>	
<u>Expenditures, Reserves & Credits</u>					
6410	Water - DWR Fixed Charges	\$22,597,631	\$11,083,242	\$33,680,873	\$9,800,758
6419	Credits for Fixed Cost from Expansion	(\$3,287,818)	(\$1,374,236)	(\$4,662,053)	
	<u>Total Expenditures w/Reserves</u>	<u>\$19,309,814</u>	<u>\$9,709,006</u>	<u>\$29,018,820</u>	<u>\$9,800,758</u>
	<u>Net Expenditures w/o Reserves</u>	<u>\$12,561,522</u>	<u>\$6,656,540</u>	<u>\$19,218,062</u>	

EXHIBIT A6 - TRANSITION BUDGET WORKSHEET
WATER ENTERPRISE FUND (52)

Acct #	Account Description	FY 11/12 Adopted Budget	July 12 - Dec 12	Total Transition Budget	Oper/Emer Reserves
<u>Revenues & Transfers</u>					
4230	SB 90 Claims	\$700	\$350	\$1,050	
4310	Interest on Investments	\$100,000	\$47,500	\$147,500	
4320	Interest from Other Sources	\$0	\$0	\$0	
4330	Rent of Land and Buildings	\$31,000	\$15,500	\$46,500	
4510	Treated Water Sales	\$35,738,630	\$18,313,594	\$54,052,224	
4520	Untreated Water Sales	\$435,450	\$225,000	\$660,450	
4530	Temporary Water Sales	\$2,020		\$2,020	
4720	Transfers From Other Deposits	\$0	\$0	\$0	
4810	Other Revenues	\$41,000	\$46,650	\$87,650	
	Total Revenues	\$36,348,800	\$18,648,594	\$54,997,394	
	Transfers-in (out)				
	72-542	(\$5,044,148)	(\$3,300,000)	(\$8,344,148)	
	Total Transfers	(\$5,044,148)	(\$3,300,000)	(\$8,344,148)	
	Net Revenue Available	\$31,304,652	\$15,348,594	\$46,653,246	
<u>Expenditures, Reserves & Credits</u>					
<u>Labor & Overhead Apportioned</u>					
6110	Direct Labor & Benefits Appor	\$17,986,175	\$7,983,776	\$25,969,951	\$1,821,051
	Total Personnel	\$17,986,175	\$7,983,776	\$25,969,951	\$1,821,051
<u>Professional & Technical Svcs</u>					
6210	Professional & Tech Svcs	\$2,735,499	\$1,494,654	\$4,230,153	\$586,518
6230	County Prof & Tech Services	\$80,100	\$41,550	\$121,650	
6250	District Prof & Tech Services	\$0	\$0	\$0	
<u>Chemicals</u>					
6310	Chemicals	\$3,530,995	\$2,080,181	\$5,611,176	\$0
<u>Water</u>					
6420	SWP - Variable Costs	\$3,086,802	\$1,717,986	\$4,804,788	\$0
6429	Credits for Variable Cost fr Expansion				
6430	Water Entitlement/Option Purchases	\$858,000	\$395,160	\$1,253,160	
6460	Water Storage	\$1,252,750	\$812,550	\$2,065,300	
6480	Water Other	\$965,449	\$476,687	\$1,442,136	
6490	Water Rate Designations	\$5,000,000		\$5,000,000	\$5,000,000
<u>Utilities</u>					
6510	Gas & Electricity	\$2,128,465	\$998,733	\$3,127,198	\$0
6520	Communications	\$139,023	\$114,479	\$253,502	
<u>Facilities Services</u>					
6610	Cleaning Services	\$53,596	\$32,498	\$86,094	
6610	Other	\$2,500	\$1,250	\$3,750	
6612	Garbage Disposal	\$9,400	\$7,700	\$17,100	
6614	Janitorial Service	\$41,696	\$23,548	\$65,244	
6620	Maint Svcs & Mat - Equipment	\$1,645,453	\$1,190,746	\$2,836,199	\$2,597,441
6630	Maint Svcs & Mat - Strcuts & Imp/s	\$3,822,858	\$2,346,276	\$6,169,134	\$2,597,441
6640	Rents & Leases - Equipment	\$1,614,033	\$1,136,633	\$2,750,666	\$2,597,441
6650	Rents & Leases - Land, Strcuts	\$35,375	\$17,575	\$52,950	
6670	Other Property Services	\$33,250	\$16,675	\$49,925	
<u>Services and Supplies</u>					
6720	Emergency & Safety	\$55,500	\$27,500	\$83,000	
6740	Office Expense	\$892,080	\$304,167	\$1,196,247	
6750	Organization Memberships & Dues	\$372,605	\$226,237	\$598,842	
6760	Other Services & Supplies	\$600,505	\$344,636	\$945,141	
6761	Advertising & Legal Services	\$11,500	\$6,750	\$18,250	
6762	Clothing & Personal Supplies	\$17,835	\$8,895	\$26,730	
6764	Household Expense	\$2,200	\$980	\$3,180	
6765	Laboratory Supplies	\$127,885	\$68,468	\$196,353	
6766	Tools & Instruments	\$20,480	\$9,025	\$29,505	
6767	State & Local Fees	\$398,625	\$238,588	\$637,213	
6768	Uniform Service	\$21,980	\$11,930	\$33,910	
6769	Other	\$0	\$0	\$0	
6770	Training	\$253,934	\$158,218	\$412,152	
6780	Transportation	\$35,025	\$13,950	\$48,975	
6790	Travel	\$84,800	\$52,000	\$136,800	
<u>Equipment</u>					
6810	Equipment & Vehicle Expense	\$272,500	\$140,000	\$412,500	
<u>Other</u>					
6910	Non-Operating Expense	\$296,350	\$149,725	\$446,075	
6920	Special Department Expense		\$335,950	\$335,950	
	Total Discretionary Expenditures	\$29,844,947	\$14,624,766	\$44,469,713	\$13,378,841
6241	County Tie-line	\$4,500	\$2,000	\$6,500	
6242	Maint-Electronic Equip-GSA	\$29,700	\$12,750	\$42,450	
6243	Equip & Vehicle Fuel & Oil-GSA	\$16,416	\$10,955	\$27,371	
6244	Data Processing Services	\$96,383	\$50,030	\$146,413	
6245	Reprographics-AlaCo	\$0	\$0	\$0	
6246	Risk Management Ins	\$354,389	\$167,524	\$521,913	
	Total Non-Discretionary Expenditure	\$501,388	\$243,259	\$744,647	\$0
	Total Services & Supplies	\$30,346,335	\$14,868,025	\$45,214,360	\$13,378,841
6247	County Indirect Costs	\$568,713	\$294,458	\$863,171	
<u>Capital Land, Structures, & Equip</u>					
7510	Capital Structures & Improvmts				
7520	Capital Equipment	\$71,000	\$20,250	\$91,250	\$0
	Total Fixed Assets	\$71,000	\$20,250	\$91,250	\$0
<u>Intra Fund Transfers</u>					
7610	Credit for Inter-department Charges	(\$3,721,740)	(\$2,217,640)	(\$5,939,380)	
	Total Expenditures w/Reserves	\$45,250,483	\$20,948,869	\$66,199,351	\$15,199,892
	Net Expenditures w/o Reserves	\$33,542,069	\$17,457,391	\$50,999,460	

EXHIBIT B1
TRANSITION BUDGET WORKSHEET
SYSTEMWIDE IMPROVEMENTS/RENEWAL REPLACEMENT FUND 72
CAPITAL PROJECTS

REVENUE	FY 11/12 Adopted Budget	July 12 - Dec. 12	Total Transition Budget
Fund Transfers from Fund 52 - Water Enterprise	\$5,044,148	\$3,300,000	\$8,344,148
Interest	\$76,034	\$70,851	\$146,885
Facility Use Fees	\$514,135	\$13,275	\$527,410
TOTAL REVENUE	\$5,634,317	\$3,384,126	\$9,018,443

EXPENSES Project Description/Name	FY 11/12 Adopted Budget	July 12 - Dec. 12	Total Transition Budget
GROUNDWATER BASIN MANAGEMENT			
Well Destruction of Former Army Wells on DSRSD Property Adjacent to Mocho Demineralization Plant	\$137,500		\$137,500
Groundwater Management Plan/SNMP Update	-	\$377,300	\$377,300
Mocho Demin Easement		\$125,000	\$125,000
Groundwater Basin Management Subtotal:	\$137,500	\$502,300	\$639,800
TRANSMISSION & DISTRIBUTION			
Automation of Identified Turnouts and Line Valves	\$75,000	-	\$75,000
Transmission & Distribution Subtotal:	\$75,000	\$0	\$75,000
WATER SUPPLY & CONVEYANCE			
Chain of Lakes Facilities and Improvements - Water Supply	-	\$16,800	\$16,800
Interim Chain of Lakes Water Operations Plan	-	\$5,031	\$5,031
Vulcan Discharge Capture	-	\$150,000	\$150,000
Arroyo del Valle Water Right Permit Extension	\$500,000	\$184,500	\$684,500
Bay Area Regional Desalination Project	\$69,979	-	\$69,979
Commercial High Efficiency Toilet Rebate Program	\$50,000	-	\$50,000
Commercial High Efficiency Urinal Rebate Program	\$100,000	-	\$100,000
Commercial Landscape Conservation Program	\$30,000	-	\$30,000
Greenplumbers Training Program	\$10,000	-	\$10,000
High Efficiency Toilet Rebate Program	\$86,000	-	\$86,000
High-Efficiency Washing Machine Rebate Program	\$150,000	-	\$150,000
Schools In/Out Survey & Hardware Replacement Program	\$50,000	-	\$50,000
Water Conservation Best Management Practices	\$75,000	-	\$75,000
Water-Efficient Landscape Rebate Program	\$50,000	-	\$50,000
Weather Based Irrigation Controller Rebate Program (CII/MF)	\$100,000	-	\$100,000
Weather Based Irrigation Controller Rebate Program(SF)	\$10,000	-	\$10,000
Water Supply & Conveyance Subtotal:	\$1,280,979	\$356,331	\$1,637,310
WATER TREATMENT FACILITIES			
DWR Land Acquisition adjacent to PPWTP	-	\$364,000	\$364,000
DVWTP Sludge Handling Improvements	\$200,000	\$68,000	\$268,000
PPWTP Filter Improvements Study	\$80,000	-	\$80,000
PPWTP Sludge Handling Improvements	\$880,000	-	\$880,000
Water Quality Management Program	\$12,000	\$14,000	\$26,000
Water Treatment Facilities Subtotal:	\$1,172,000	\$446,000	\$1,618,000
WELLS			
Mocho Well 2 - VFD Retrofit	-	\$165,000	\$165,000
Wells Subtotal:	\$0	\$165,000	\$165,000
SYSTEMWIDE IMPROVEMENTS TOTAL	\$2,665,479	\$1,469,631	\$4,135,110

EXHIBIT B1
TRANSITION BUDGET WORKSHEET
SYSTEMWIDE IMPROVEMENTS/RENEWAL REPLACEMENT FUND 72
CAPITAL PROJECTS

EXPENSES	FY 11/12		Total
Project Description/Name	Adopted Budget	July 12 - Dec. 12	Transition Budget
BUILDING & GROUNDS			
North Canyons Administrative & Engineering Building Lease	\$508,000	\$259,000	\$767,000
Building & Grounds Subtotal:	\$508,000	\$259,000	\$767,000
PROGRAM MANAGEMENT			
Asset Management Program Management	\$40,000	\$20,000	\$60,000
Capital Improvement Program Management	\$10,000	\$6,500	\$16,500
System-Wide Improvements & Renewal/Replacement Program M	\$50,000	-	\$50,000
Program Management Subtotal:	\$100,000	\$26,500	\$126,500
REGULATORY COMPLIANCE			
Laboratory Equipment Replacement	\$120,000	-	\$120,000
Regulatory Compliance Subtotal:	\$120,000	\$0	\$120,000
TRANSMISSION & DISTRIBUTION			
CWS Turnout No. 7 Modifications	\$107,000	-	\$107,000
Pleasanton Turnout No. 3 Replacement	\$100,000	-	\$100,000
Santa Rita Pipeline Relocation	\$750,000	-	\$750,000
Transmission & Distribution Subtotal:	\$957,000	\$0	\$957,000
WATER SUPPLY & CONVEYANCE			
Cope Lake Repairs - Water Supply	-	\$225,000	\$225,000
Water Supply & Conveyance Subtotal:	\$0	\$225,000	\$225,000
WATER TREATMENT FACILITIES			
DVWTP Ammonia Systems Replacement	-	\$120,000	\$120,000
DVWTP Superpulsator Rehabilitation	-	\$100,000	\$100,000
DVWTP Valve Replacements for 3MG Clearwell	-	\$15,000	\$15,000
PPWTP Ammonia Facility Replacement	-	\$120,000	\$120,000
DVWTP Chemical Systems Improvements	\$288,000	\$180,000	\$468,000
Dougherty Access Road Rehabilitation	\$50,000	-	\$50,000
Dougherty Reservoir Recoating Project	\$800,000	-	\$800,000
Minor Renewal/Replacement Projects	\$250,000	\$130,000	\$380,000
PPWTP Clarifier Rehabilitation Project	\$343,572	-	\$343,572
PPWTP Ultrafiltration Membrane Replacement	\$400,000	\$185,000	\$585,000
SCADA Enhancements	\$225,000	\$110,000	\$335,000
Well Pump, Motor and Casing Inspections	\$30,000	-	\$30,000
Water Treatment Facilities Subtotal:	\$2,386,572	\$960,000	\$3,346,572
RENEWAL & REPLACEMENTS TOTAL	\$4,071,572	\$1,470,500	\$5,542,072
SYSTEMWIDE IMPROVEMENTS/RENEWAL & REPLACEMENT PROJECTS TOTAL	\$6,737,051	\$2,940,131	\$9,677,182
CONTINGENCY FUNDS			
Contingency	\$750,000	\$375,000	\$1,125,000
Contingency Funds Subtotal:	\$750,000	\$375,000	\$1,125,000
SYSTEMWIDE IMPROVEMENTS/RENEWAL & REPLACEMENTS PROGRAM SUBTOTAL	\$7,487,051	\$3,315,131	\$10,802,182
SINKING FUNDS			
Administrative & Engineering Building - Sinking Fund	\$378,102	\$193,832	\$571,934
Sinking Funds Subtotal:	\$378,102	\$193,832	\$571,934
SYSTEMWIDE IMPROVEMENTS/RENEWAL & REPLACEMENTS PROGRAM TOTAL	\$7,865,153	\$3,508,963	\$11,374,116

**EXHIBIT B2
TRANSITION BUDGET WORKSHEET
EXPANSION PROJECTS FUND 73
CAPITAL PROJECTS**

REVENUE	FY 11/12 Adopted Budget	July 12 - Dec. 12	Total Transition Budget
Connection Fees	\$8,501,965	\$6,038,866	\$14,540,831
Interest	\$380,824	\$99,344	\$480,168
Other	\$1,854,349	\$1,269,500	\$3,123,849
TOTAL REVENUE	\$10,737,137	\$7,407,711	\$18,144,848
EXPENSES	FY 11/12 Adopted Budget	July 12 - Dec. 12	Total Transition Budget
Project Description/Name			
BUILDING & GROUNDS			
North Canyons Administrative & Engineering Building Lease	\$399,000	\$203,500	\$602,500
Building & Grounds Subtotal:	\$399,000	\$203,500	\$602,500
GROUNDWATER BASIN MANAGEMENT			
Well Destruction of Former Army Wells on DSRSD Property Adjacent to Mocho Demineralization Plant	\$112,500		\$112,500
Groundwater Management Plan/SNMP Update		\$161,700	\$161,700
Mocho Demin Easement		\$125,000	\$125,000
Groundwater Basin Management Subtotal:	\$112,500	\$286,700	\$399,200
PROGRAM MANAGEMENT			
Capital Improvement Program Management	\$37,500	\$19,000	\$56,500
Connection Fee Program Administration	\$25,000		\$25,000
Interest on Installment Sale Agreement	\$276,877	\$138,233	\$415,110
Program Management Subtotal:	\$339,377	\$157,233	\$496,610
WATER SUPPLY & CONVEYANCE			
Arroyo Mocho Lake H Diversion Structure	\$40,000	\$67,136	\$107,136
Arroyo Mocho Low Flow Crossings	-	\$35,000	\$35,000
Bay Area Regional Desalination Project	\$129,962	\$105,000	\$234,962
Bay-Delta Conservation Program/DHCCP Program Participation	\$257,361	\$161,148	\$418,510
Bay-Delta Conservation Program/DHCCP	\$40,000	\$30,000	\$70,000
Cawelo Groundwater Banking Program Debt Service	\$1,293,056	\$413,778	\$1,706,834
Chain of Lakes Facilities and Improvements	\$560,000	-	\$560,000
Cope Lake Facilities and Improvements	\$500,000	-	\$500,000
CUWA Membership	\$60,000	\$20,000	\$80,000
Delta Outreach	\$30,000	\$15,000	\$45,000
Fixed Cost of Water Entitlement	\$287,818	\$325,058	\$612,875
Fourth Contractor's Share of the SBA	\$3,000,000	\$1,050,000	\$4,050,000
High Efficiency Toilet Rebate Program	\$29,000	\$15,000	\$44,000
High-Efficiency Washing Machine Rebate Program	\$50,000	\$45,000	\$95,000
Semitropic Stored Water Recovery Unit	\$48,000	\$24,000	\$72,000
South Bay Improvement and Enlargement Project	\$11,698,074	\$9,539,359	\$21,237,433
SWP Peaking Payment (Lost Hills & Bellridge Water Districts)	\$331,276	\$18,900	\$350,176
Walker Ranch Conservation Easement Mgmt and Maintenance	\$340,000	-	\$340,000
Water Conservation Best Management Practices	\$25,000	\$10,000	\$35,000
Cope Lake Repairs	-	\$525,000	\$525,000
Vulcan Discharge Capture	-	\$350,000	\$350,000
Interim Chain of Lakes Water Management Plan	-	\$11,739	\$11,739
Chain of Lakes Facilities and Improvements - Water Supply	-	\$39,200	\$39,200
Water Supply & Conveyance Subtotal:	\$18,719,547	\$12,800,318	\$31,519,865
WATER TREATMENT FACILITIES			
Land Acquisition for PPWTP Expansion	\$100,000	\$156,000	\$256,000
Water Quality Management Program	\$4,000	\$6,000	\$10,000
Water Treatment Facilities Subtotal:	\$104,000	\$162,000	\$266,000
WELLS			
Well Master Plan Wells - Future Phases	\$200,000	-	\$200,000
Wells Subtotal:	\$200,000	\$0	\$200,000
EXPANSION PROJECTS TOTAL	\$19,874,424	\$13,609,751	\$33,484,175

**EXHIBIT B2
TRANSITION BUDGET WORKSHEET
EXPANSION PROJECTS FUND 73
CAPITAL PROJECTS**

EXPENSES	FY 11/12		Total
Project Description/Name	Adopted Budget	July 12 - Dec. 12	Transition Budget
CONTINGENCY FUNDS			
Contingency Funds	\$500,000	\$125,000	\$625,000
Contingency Funds Subtotal:	\$500,000	\$125,000	\$625,000
EXPANSION PROGRAM SUBTOTAL	\$20,374,424	\$13,734,751	\$34,109,175
SINKING FUNDS			
Administrative & Engineering Building - Sinking Fund	\$34,470	\$17,500	\$51,970
Fourth Contractor's Share of the SBA - Sinking Fund	\$21,705	\$14,000	\$35,705
South Bay Aqueduct Improvement & Enlargement - Sinking Fund	\$129,897	\$83,000	\$212,897
Sinking Funds Subtotal:	\$186,072	\$114,500	\$300,572
EXPANSION PROGRAM TOTAL	\$20,560,496	\$13,849,251	\$34,409,747

EXHIBIT B3
TRANSITION BUDGET WORKSHEET
FLOOD PROTECTION AND STORM WATER DRAINAGE FUND 76
CAPITAL PROJECTS

REVENUE	FY 11/12 Adopted Budget	July 12 - Dec. 12	Total Transition Budget
Flood Protection/Stormwater Development Impact Fees	\$1,500,000	\$750,000	\$2,250,000
Interest	\$139,149	\$69,574	\$208,723
TOTAL REVENUE	\$1,639,149	\$819,574	\$2,458,723

EXPENSES	FY 11/12 Adopted Budget	July 12 - Dec. 12	Transition Budget
Project Description/Name			
BUILDING & GROUNDS			
North Canyons Administrative & Engineering Building Lease	\$113,000	\$60,000	\$173,000
Building & Grounds Subtotal:	\$113,000	\$60,000	\$173,000
FLOOD CONTROL FACILITIES			
Arroyo de la Laguna Improvement Project - Verona Reach	\$290,023	\$120,025	\$410,048
El Charro Specific Plan (R.5-2/R5-3 - portions)	\$37,401		\$37,401
R. 1-7: Arroyo Las Positas at N. Vasco Improvements	\$255,924	\$182,437	\$438,362
R.3-5: Arroyo Mocho - Stanley Reach Pilot Project	\$101,818	\$80,000	\$181,818
Lower Arroyo Mocho (R 8-3)	\$19,493		\$19,493
Flow Studies- Steelhead Restore	\$18,000	\$10,000	\$28,000
Flood Control Hydrology Study	\$340,480		\$340,480
Cope Lake Repairs	-	\$420,000	\$420,000
Sediment Transport Study	\$68,510	\$5,166	\$73,676
Stream Management Master Plan and Development Impact Fee Update	\$326,169	\$154,687	\$480,857
Interim Chain of Lakes Water Operations Plan	-	\$9,392	\$9,392
Flood Control Facilities Subtotal:	\$1,457,819	\$981,707	\$2,439,526
PROGRAM MANAGEMENT			
Capital Improvement Program Management	\$2,500	\$1,000	\$3,500
Program Management Subtotal:	\$2,500	\$1,000	\$3,500
CONSULTING & OTHER COSTS			
Administrative, Consulting and Other Program Costs	\$250,000	\$125,000	\$375,000
Consulting & Other Costs Subtotal:	\$250,000	\$125,000	\$375,000
FLOOD PROTECTION AND STORM WATER DRAINAGE SUBTOTAL:	\$1,823,319	\$1,167,707	\$2,991,026
SINKING FUNDS			
Administrative & Engineering Building - Sinking Fund	\$84,023	\$43,074	\$127,097
Sinking Fund Subtotal:	\$84,023	\$43,074	\$127,097
FLOOD PROTECTION AND STORM WATER DRAINAGE TOTAL	\$1,907,342	\$1,210,781	\$3,118,123

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

WHEREAS, Zone 7 currently operates on a July 1 through June 30 fiscal year and intends to transition to a January 1 through December 31 calendar fiscal year.

WHEREAS, Zone 7 submits a budget to Alameda County for three operating funds - Flood Control/General Fund, State Water Facilities Fund, and Water Enterprise Fund.

WHEREAS, in order to facilitate the transition to a calendar fiscal year, an 18-month transition budget and audit covering the period starting July 1, 2011 and ending December 31, 2012 is required.

BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District does hereby approve the following budgets and designations for Fiscal Year 2012/13:

1. Flood Control/General Fund Budget (Exhibit A1);
2. State Water Facilities Budget (Exhibit A2);
3. Water Enterprise Budget (Exhibit A3);

BE IT FURTHER RESOLVED that the Board of Directors of Zone 7 does hereby request the Board of Supervisors of the Alameda County Flood Control and Water Conservation District to incorporate said budgets of Zone 7, where applicable; and

BE IT FURTHER RESOLVED that the Board of Directors of Zone 7 does hereby request the Board of Supervisors of said District to levy a tax on all property of Zone 7 to obtain the necessary funds for the State Water Facilities Fund; and

BE IT FURTHER RESOLVED that said taxes to be levied shall be consistent with the budget requirements set forth in the attached exhibits; and

BE IT FURTHER RESOLVED that the General Manager is authorized and directed to adjust accounts as the General Manager may deem necessary to account for any changes in available fund balances, revenues or expenditures.

BE IT FURTHER RESOLVED that the Board of Directors of Zone 7 does hereby approve transitioning to a calendar fiscal year effective January 1, 2013 and adopts the 18-month transition budget outlined in Exhibits A4-A6 and B1-B3, appropriating the necessary funds as outlined.

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 April 18, 2012

By: _____
President, Board of Directors

SUMMARY MINUTES OF THE FINANCE COMMITTEE
ZONE 7 BOARD OF DIRECTORS

March 19, 2012
4:00 p.m.

Directors present: Sandy Figuers
A. J. Machaevich
Chris Moore

Zone 7 Staff: Jill Duerig, General Manager
Tamara Baptista, Financial Services
Manager
JaVia Green, Staff Analyst
Judy Rector, Board Secretary

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

1. Public Comment: - None

JaVia Green, Staff Analyst in Finance, gave a presentation covering the following:

2. Transition from a July 1 – June 30 Fiscal Year to a Calendar Fiscal Year

Ms. Green discussed the reasons for changing Zone 7's fiscal year to a calendar fiscal year. This will avoid preparing two Water Enterprise fund budgets – a preliminary budget in the fall to determine water rates and a final budget in the spring to match Alameda County's fiscal year. Budget and water rates would cover the same time period and would be prepared and presented to the Board at the same time. The change would also align Zone 7's budget and finances with the Department of Water Resources' Annual Statement of Charges.

The first calendar fiscal year budget will be in 2013. Zone 7's external auditors, Maze and Associates and the State Controller's Office, are requesting an initial 18-month audit which would be from July 1, 2011 through December 31, 2012. Subsequent audits would be based on a calendar fiscal year.

New World Systems, Zone 7's new financial software vendor, advised staff that it would be more efficient to start off with a calendar fiscal year in the new software system instead of changing down the road.

3. FY 12/13 County Budget (July 1, 2012 through June 30, 2013)

Zone 7 staff has prepared preliminary FY 12/13 County budgets for the three operating funds (Funds 50, 51 and 52) for inclusion in the County-wide budget.

4. 18-Month Transition Budget (July 1, 2011 through December 31, 2012)

Staff recommends that the Board approve additional appropriations necessary to create an 18-month transition budget covering 7/1/11 through 12/31/12 for the three operating funds (Funds 50, 51 and 52) as well as the three capital funds (Funds 72, 73 and 76).

Prior to the Finance Committee meeting, the retailers asked about personnel costs. Ms. Green explained that Fund 50 has more staff in Flood Control because of planned studies related to the Stream Management Master Plan (SMMP) and the flood-related Development Impact Fee (DIF). This was clarified with the retailers.

After a brief discussion by Director Moore and Director Machaevich, Director Moore moved to concur with the staff recommendations and present it to the full Board at the April 2012 meeting and then for submittal to the County by April 30, 2012.

Angela Ramirez Holmes asked what happens if the County refuses to go along with the transition. Director Moore answered that the budget would be reversed to what it would have been without the additional 6 months.

General Manager Jill Duerig said that even without passing the statute, another option may be only to do Flood Control because it is County-funded and is part of the Alameda County Flood Control and Water Conservation District.

When asked what the County's position is on the transition, Ms. Duerig said that County staff says it is supportive. Supervisor Miley defers to Supervisor Haggerty who is supportive as long as it is "all or nothing," not "cherry picking."

5. Verbal Reports

Director Moore asked if there had been any damage from the recent storms? He commented that the storms had helped with the snow content.

6. Adjournment

Since there were no further issues or comments, the meeting was adjourned at 4:20 p.m.

4/18 /12 Board Written/narrative Comments By Dick Quigley

3/15 Participated in an ACWA State Legislative Committee meeting via teleconference.

3/26 Participated in an ACWA Region 5 phone conference board meeting for the purpose of deciding on the Spring Conference Region 5 Issue Forum.

Also participated in a City of Pleasanton Trails committee meeting sharing my concerns on the Stoneridge bridge issue and Arroyo Mocho south bank trail alignment (under crossing).

3/27 Participated in a BAWF (Bay Area Water Forum) meeting via phone conference, see: [BAWF About Us](#)

Welcome to the **Bay Area Water Forum**. Through its quarterly meetings open to all interested parties, the Forum serves as a venue for encouraging regional cooperation and partnering.

www.baywaterforum.org/ - [Cached](#) - [Similar](#)

3/29 & 30 Attended ACWA board meeting in Sacramento. Messages from ex-Director on strategic plan, funding, culture change, bond status, education and outreach. Standing committee Chairs and Regions also gave up dates on specific plans and activities for 2012 at or in addition to the spring conference May 8-10 in Monterey. Region 5 will host a game show jeopardy style water facts or myths session. June 3 & 4th Region 5 will be hosting a tour of SFPUC Hetch Hetchy upgrade work including the tunnel and reservoir in the Sunol area.

4/10 Participated in the Alamo Trail ground breaking - Dublin

Large crowd on a rainy day!

Thanks EBRPD Staff, Ayn and Board,

Politicians like trails!

This is a wonderful project and Congressman McNearney and Stark shared how long and hard the interagency cooperation was in coming! Mayors, Council members and County leadership were on hand.

Glad and very proud to carry the Zone 7 shovel, and visit with many friends!

Many were taking pictures. Was pleased to see Zone 7 staff in attendance taking notes and pictures.



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: April 18, 2012

ITEM NO. 12a

SUBJECT: GENERAL MANAGER'S REPORT

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

Environmental & External Affairs:

- Staff submitted a comment letter to the SWRCB on their Draft Low-Threat Underground Storage Tank Case Closure Policy and associated environmental document, expressing concern that sensitive groundwater basins were not adequately addressed and suggesting a modification in the criteria for closure that would better protect basins serving as community water supplies.

Engineering and Flood Control:

- In response to a question raised at the March Board meeting regarding the rumor of a new Canadian contracting policy allowing award of a contract to the second lowest qualified bidder, staff performed an internet search and contacted the City of Vancouver to learn about their contracting policies. Canadian policy is very similar to ours for defined public works projects. They are required to award contracts to the lowest qualified responsive and responsible bidder. The California Public Contract Code also requires that contracts for public works be awarded to the lowest responsive and responsible bidder. This assures that a public entity does not favor contractors or arbitrarily award contracts.
- The PPWTP Clarifier Rehabilitation Project is nearly complete. During the March 14th contractor-requested plant outage, issues were addressed that were identified during the performance testing. Specifically, the contractor leveled the launders and installed an additional support strut for the new sodium hypochlorite injector. The remaining punch list items should be completed and most of the contractor's equipment should be removed from the project site within the week. The contractor's electrical field crew will return in several weeks to install the submersible light fixture and rectifier, which have long lead items. Staff continues to evaluate options to provide automatic backup power for the clarifier impeller and rake drives and ammonia softened water booster pumps. Staff anticipates the contractor's response to our defective work letter soon such that the clarifier system can be accepted and Substantial Completion achieved. Safety reviewed the fall hazard on the new bridge crossovers and is preparing a memo with recommendations.
- DWR promises a report on the failure and repair of the Del Valle Branch Pipeline by June; in the meantime, an independent analysis was conducted by Zone 7 staff showing the likely cause of the landslide (which, in turn, pulled the pipe apart) was not a rain event but rather was the result

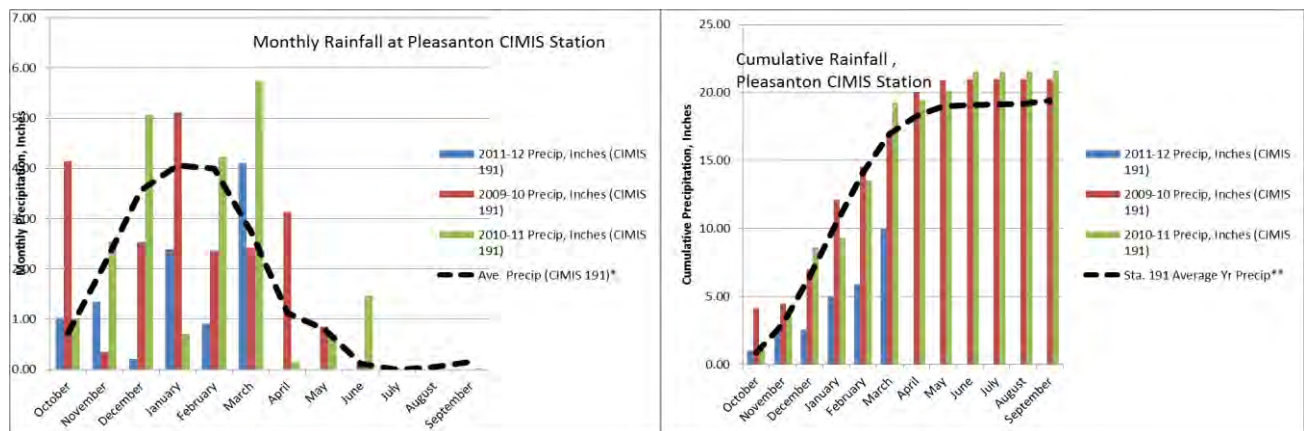
of a long-term pipe leak that saturated the hillside over time.

Finance & Administration

- The state is holding its budget hearings and has been focused on the Department of Water Resources' (DWR) request for an additional 135 permanent positions for the Delta Habitat Conservation and Conveyance Program (DHCCP), the costs for which would be passed through to the contractors through State Water Project charges. After much negotiation, the State Contractors sent a letter supporting the request, based on DWR Director Mark Cowin's letter promising that a funding agreement would be pursued and that positions would only be filled to the degree that doing so is consistent with that agreement.

Operations and Maintenance:

- An increased concentration of Total Organic Carbon (TOC) in the water from the State Project early in the month caused treatment upsets including a higher coagulant demand (causing increased cost in treatment chemicals and sludge handling as well as the necessity of extending filter-to-waste times (longer "filter ripening" means a less efficient process). TOC increases are common this time of year and usually continue until the snowmelt, typically around June.
- The late storms in March increased both snow pack and total local precipitation. Locally (measured at the California Irrigation Management Information System/CIMIS Station 191 in Pleasanton), March was 144% of average improving overall year-to-date local precipitation up to 59% of average. The March storms brought Northern Sierra snow levels (with 26 stations reporting) up to 78% of average for April 1st (see <http://cdec.water.ca.gov/cdecapp/snowapp/sweq.action>) which is up from 47% a month ago; however, the Department of Water Resources (DWR) hydrologists announced that water content in statewide snowpack at the end of March was only 55% of the April 1st average:



Monthly List of GM Contracts

March 2012

Contracts:

Cardno Entrix	\$78,825.00	Environmental Assistance in Support of Arroyo del Valle
Preston Pipeline	15,096.50	Excavation and Removal of two 36” Butterfly Valves at Paragon Outlets Site

Total March 2012	\$93,921.50	
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ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Administration

CONTACT: Boni Brewer

AGENDA DATE: April 18, 2012

ITEM NO. **12b**

SUBJECT: Recent Outreach Activities

Alameda County Science & Engineering Fair, March 20-22

Zone 7 staff served as *Special Awards* judges of water-related projects during the Alameda County Science & Engineering Fair. This event, geared to high school and middle school students, replaces the Tri-Valley Science & Engineering Fairs that were held annually in Livermore and sponsored primarily by the Lawrence Livermore National Laboratory. Instead of being geared to the Tri-Valley region, the fair has gone Alameda Countywide and was held at Chabot College in Hayward. It is now more like other Intel International-affiliated science fairs, but with continued significant involvement from the lab as a sponsor, and with participation from the county Office of Education. Judging took place on March 21. Zone 7's judges evaluated only those water-related projects that were submitted by students within Zone 7's service area. Our winners, consisting of two teams of high school students from Livermore, are being invited to make presentations on their water-related projects during the May Board meeting as a way to help celebrate Water Awareness Month.

Water-wise Gardening Talk, March 24

A Zone 7 representative discussed low-water-use plants that do well in our Valley at this free hour-long educational workshop, held at Western Garden Nursery in Pleasanton. This talk was part of a collaboration with StopWaste.Org's Bay Friendly Gardening and Landscaping Program and the nursery. A week earlier, on March 17 at the same nursery location in Pleasanton, the Bay Friendly Gardening program did a free "Rethink Your Lawn" talk on converting lawns to water-conserving, environmentally friendly landscapes. The Bay Friendly talks are being provided this Spring at nurseries throughout Alameda County.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: Administration

CONTACT: Jill Duerig/Tim Hunt

AGENDA DATE: April 18, 2012

ITEM NO. **12c**

SUBJECT: Legislative Update

SUMMARY:

- Zone 7 staff, with the support of the agency's lobbying firm, The Gualco Group, Inc., and the agency's legislative support consultant, Tim Hunt, monitors legislation that is being considered in Sacramento, as well as other political activities of interest to the Agency.
- The Zone 7 Water Agency bill (SB 1337) authored by Sen. Mark DeSaulnier with Sen. Loni Hancock and Assemblywoman Joan Buchanan as co-authors has been referred to the Senate Rules Committee, and will most likely be assigned to the Senate Committee on Governance and Finance for consideration before the end of April.
- The Zone 7-sponsored South American Spongeplant bill (AB 1540 introduced by Assemblywoman Buchanan) passed unanimously on the consent calendar of Assembly Water, Parks and Wildlife Committee on April 10.
- The Legislature returned from its spring recess April 9 and will have a very busy month in committees. Policy committees must move bills with fiscal impact to the floor by April 29. On March 29 before the recess, 341 bills were amended to meet the deadline.
- Legislative leaders are moving to postpone the water bond to 2014 with ACWA's support. It already had been delayed from 2010. The bond polled quite poorly and Senate leader Darrell Steinberg said publicly he wanted it delayed so it did not compete with the governor's proposal to raise income taxes and the sales tax in November. Putting it off to 2014 would take a simple majority.
- Bills relating to the Delta that are of particular concern because of their potential to negatively affect the BDCP process include AB 1813 (Buchanan, Delta flow standards), AB 2000 (Huber, requirements before conveyance can be constructed) and AB 2421 (Berryhill, study of western intakes). All are set for policy hearings on April 24.

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.**

April 2, 2012

Bill	TOPIC	SYNOPSIS	STAFF'S RECOMMENDED POSITION	STATUS OF THE BILL/COMMENTS
Sponsored Legislation				
<u>AB 1540</u> <u>(Buchanan)</u>	South American Spongeplant	The bill would authorize the Dept. of Water Resources to eradicate this invasive species.	Sponsor	Referred to the Assembly Committee on Water, Parks and Wildlife
<u>SB 1337</u> <u>(DeSaulnier)</u>	Zone 7 Water Agency	This bill would allow Zone 7 to separate from Alameda County.	Sponsor	Referred to the Assembly Committee on Rules for assignment
Peripheral Canal				
<u>AB 2421</u> <u>(Berryhill, Bill)</u>	Delta: Peripheral Canal	This bill would require an economic analysis before enacting a statute authorizing construction of a peripheral canal.	Oppose	Referred to the Assembly Committee on Water, Parks and Wildlife
<u>SB 200 (Wolk)</u>	Delta levee maintenance	This bill would extend existing reimbursements of up to 75% for designated levee repair 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	In Assembly. Read 1st time. Held at Assembly Desk
Water Conservation, Supply & Delivery				
<u>AB 1607</u> <u>(Galgiani)</u>	Local Water Supply Projects: inventory	This bill would require the Dept. of Water Resources to conduct a statewide inventory of local regional water supply projects and post the results of the inventory on the department's Internet Web site by July 1, 2013.	Watch	Re-referred to the Assembly Committee on Water, Parks and Wildlife

AB 1669 (Perea)	Bond allocation, groundwater	This bill will 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 the Assembly Committee on Water, Parks and Wildlife
AB 1750 (Solorio)	Rainwater Capture Act of 2012	This bill would allow residential, commercial and governmental landowners to install, maintain and operate rain barrel systems and rainwater capture systems.	Watch	Referred to the Assembly Committee on Water, Parks and Wildlife
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 agricultural water users.	Watch	Referred to the Assembly Committee on Water, Parks and Wildlife
AB 2056 (Chesbro)	Drinking water	This bill would simplify requirements to install a point-of-entry and point-of-use water treatment system.	Watch	Referred to the Assembly Committee on Environmental Safety and Toxic Materials
AB 2238 (Perea)	Public water systems: drinking water	This bill would require the Dept. of Public Health to promote the consolidation and merger of small community water systems that serve disadvantaged communities.	Watch	Re-referred to the Assembly Committee on Local Government
AB 2398 (Hueso)	Water recycling	This bill would enact the Water Recycling Act of 2012 to revise and consolidate the law related to recycled water and establish statewide goals.	Watch	Referred to the Assembly Committee on Water, Parks and Wildlife
SB 1340 (La Malfa)	Appropriation of water: Oroville Sewage Comm.	This bill would authorize the Oroville Sewage Commission to file an application to appropriate water based upon its discharges into the Feather River.	Watch	Referred to the Assembly Committee on Appropriations
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	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

Financing

AB 1538 (Cook)	Recovery Audits	This bill would require the Controller to contract with consultants to provide semiannual recovery audits of state agencies with expenditures exceeding \$50,000,000 in a fiscal year, unless excepted by regulation.	Watch	Referred to the Assembly 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 bon fide purchaser or encumbrancer for value.	Watch	Referred to the Assembly Committee on Local Government
SB 1386 (Lowenthal)	Delta Flood Protection Fund	This bill would repeal obsolete provisions establishing the Delta Protection Fund and make conforming changes to existing law.	Watch	Re-referred to the Senate Committee on Rules

Natural Resources/Environment/ Delta

AB 1813 (Buchanan)	Delta Reform Act of 2009	This bill would require the system of Delta watershed diversion, for certain diversions, in lieu of requiring reporting, to use data from the consumptive use index modeling used by the Dept. of Water Resources to determining the Net Delta Outflow index.	Watch	Referred to the Assembly Committee on Water, Parks and Wildlife
AB 1884 (Buchanan)	Delta Reform Act of 2009, covered actions	This bill would exclude from the definition of "covered action" any anticipated upgrades to existing drinking water, stormwater, or watershed treatment facilities to meet state water quality requirements.	Watch	Referred to the Assembly Committee on Water, Parks and Wildlife
AB 2000 (Huber)	Delta Plan	This bill would prohibit the construction of a new Delta conveyance facility unless A) the adoption of an agreement by the Dept. Of Water Resources and the Dept. of Fish and Game that specifies the stages of construction and B) the establishment of plans and agreements for the construction of specified water facilities.	Watch	Referred to the Assembly Committee on Water, Parks and Wildlife
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	Referred to the Assembly Committee on Water, Parks and Wildlife
AB 2422 (Berryhill, Bill)	Sacramento-San Joaquin Delta: Western Delta Intakes Concept: feasibility study	This bill would require the Dept. of Water Resources to undertake an expedited evaluation and feasibility study of the Western Delta Intakes Concept.	Watch	Referred to the Assembly Committee on Water, Parks and Wildlife

AB 2423 (Berryhill, Bill)	Comprehensive Sacramento-San Joaquin Delta planning	This bill would make technical, non-substantive changes to provisions of the 2009 Delta Reform Act.	Watch	Read first time.
AB 2443 (Williams)	Vessels: registration fees: mussels	This 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.	Support	Referred to the Assembly Committee on Transportation and the Assembly Committee on Water, Parks and Wildlife
SB 1251 (Evans)	Invasive aquatic species: quagga mussels	This 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	Re-referred to the Senate Committee on Rules
SB 1495 (Wolk)	Covered actions, Delta Reform Act 2009	This 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	Referred to the Assembly Committee on Water, Parks and Wildlife
Regulatory				
AB 1537 (Cook)	Regulations: sunset date	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 the Assembly 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 the Assembly Committee on Business, Professions and Consumer Protection and the Assembly Committee on Local Government
AB 1549 (Gatto)	Development: 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 the Assembly Committee on Natural Resources
AB 2208 (Perea)	Community water systems: community of Lanare	This bill would require the Lanare Community Services District to conduct a feasibility study to identify and recommend a project that would solve the arsenic contamination in the community of Lanare	Watch	Referred to the Assembly Committee on Environmental Safety and Toxic Materials

SB 1146 (Pavley)	Wells: 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 the Assembly Committee on Natural Resources and Water
SB 1364 (Huff)	Water corporations	This 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	Set for hearing on 04/17/2012 in the Senate Committee on Energy, Utilities and Communications



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: ADMINISTRATIVE SERVICES

CONTACT: Tom Hughes

AGENDA DATE: April 18, 2012

ITEM NO. 12d

SUBJECT: STATUS REPORT ON SEPARATION EFFORTS

SUMMARY:

Legislative:

- Staff continues to interface with stakeholders, legislative counsel and Senator Mark DeSaulnier's office on SB 1337, Zone 7's separation bill. More complete bill language should replace the spot bill summary within the next few weeks.

Employee Services:

- Staff met with County Human Resources Services staff on March 27, 2012 and discussed updating timelines for transitioning employees, payroll, purchasing, accounting, and risk management activities.
- Staff also met with County Risk Management staff on March 13, 2012 and discussed the new timeline for transferring Workers' Compensation. Staff may need to bring an updated Board item for consideration at the May meeting.
- 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 April.

Business Administration:

- Staff continues to make progress on the new financial software implementation. The target date for fully implementing the software is still July 1, 2012.
- Starting April 8, 2012, staff will reactivate work with ADP for outsourcing payroll. This had been on hold to accommodate a delay requested by County staff. The target date for the first paycheck from ADP is now July 20, 2012.
- Staff is working with Wells Fargo to open an account.

- Staff is working on an application for the Cal-Card program with U.S. Bank, as approved by the board at the March meeting.
- Meetings with various County departments are being scheduled to continue transition collaboration and discussions.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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

ORIGINATING DIVISION: Administrative Services

CONTACT PERSON: JaVia Green

AGENDA DATE: April 18, 2012

ITEM NO: 12e

SUBJECT: Quarterly Update of Expansion Fund

SUMMARY:

- A \$60 million (M) Installment Sale Agreement (ISA) was established with Wells Fargo Bank in January 2008, to fill a funding shortfall for the Altamont Water Treatment Plant and Pipeline Project. A portion of the project, the Altamont Pipeline - Livermore Reach, has been constructed. On February 17, 2010, Zone 7 drew \$30.5M from the ISA and payback is required by January 1, 2014.
- Projected sources and uses of funds and year-end available funding through Fiscal Year 15/16 is as follows:

Fiscal Year	Projected Equivalent Connections	Projected Revenue ¹	ISA Draw/Payback	Projected Expenses	Projected End of Year Available Funding ²
10/11	412	\$11,860,555		\$16,172,443	\$46,800,014
11/12	392	\$10,738,289		\$17,698,884	\$39,839,420
12/13 ³	520	\$15,271,070		\$22,585,645	\$32,524,845
13/14 ⁴	760	\$25,815,221	-\$30,503,481	\$20,948,670	\$6,887,916
14/15 ⁴	840	\$25,229,491		\$25,056,002	\$7,061,405
15/16 ⁴	1930	\$54,714,789		\$30,967,000	\$30,809,194

1. Projected Revenue includes connection fee revenue and other revenue such as interest income and refunds from the Department of Water Resources.
 2. Represents the sum of net available funds from cash and ISA after expenses, excluding designated reserves.
 3. FY 12/13 projections have been revised downward from previous projections.
 4. Projected number of connections, revenue and expenses are based on the FY 12/13 Ten-Year Water System CIP and the 2011 Municipal and Industrial Water Connection Fee Report adopted by the Zone 7 Board on October 19, 2011.
- Based on these revenue and expenditure projections, staff anticipates sufficient funding to pay off the ISA by January 1, 2014. However, over the coming months, staff will begin evaluating other sources of income in the event that connection fee revenue does not materialize as projected.

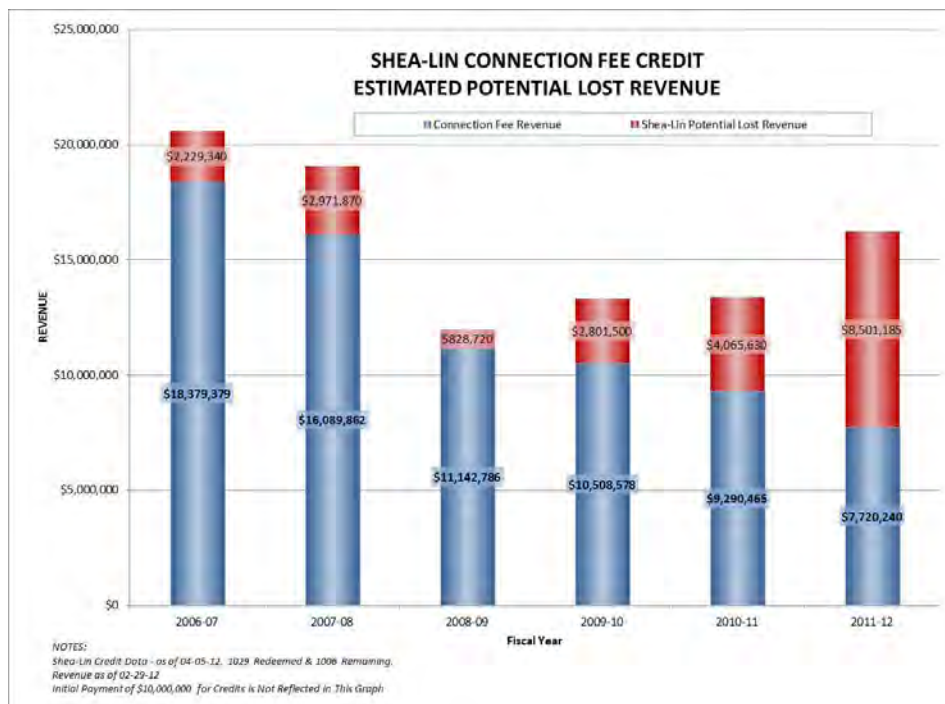
- FY 10/11 and FY 11/12 To-Date Connections

Zone 7 received a total of 412 connections in FY 10/11. Of this amount 301 connections came from DSRSD. However, staff is aware that DSRSD received a large number of connections (about 1,700) in FY 10/11 due to a significant increase in their connection fee effective July 1, 2011.

In FY 11/12, Zone 7 has received revenue for 294 connections from DSRSD to-date. Note that developers are not required to pay the Zone 7 connection fee at the same time the retailer's fee is paid. Staff has requested additional information from DSRSD to determine whether the 595 connections Zone 7 received since FY 10/11 are for the same developments DSRSD received connections for during the same period. This will help staff in projecting the future expected connection fee revenue from DSRSD.

- Connection Fee Credits

Per the chart below, 1006 connection fee credits are outstanding. Of this amount, staff knows that 127 are to be used in Livermore. Staff does not know where the remaining 879 will be used and whether they will be used for the same developments DSRSD received connection fees for in FY 10/11. If credits are redeemed for these developments, a worst-case scenario is Zone 7 may not earn revenue for 879 out of the newly paid DSRSD connections from FY 10/11 (about 1700). Since developers are not required to pay the Zone 7 connection fee at the same time the retailer's fee is paid, it is difficult to predict exactly when Zone 7 can expect revenues from these connections or if they will be redeemed as credits. Staff will continue tracking the use of the connection fee credits and provide an update in the 4th Quarter Expansion Fund Report.



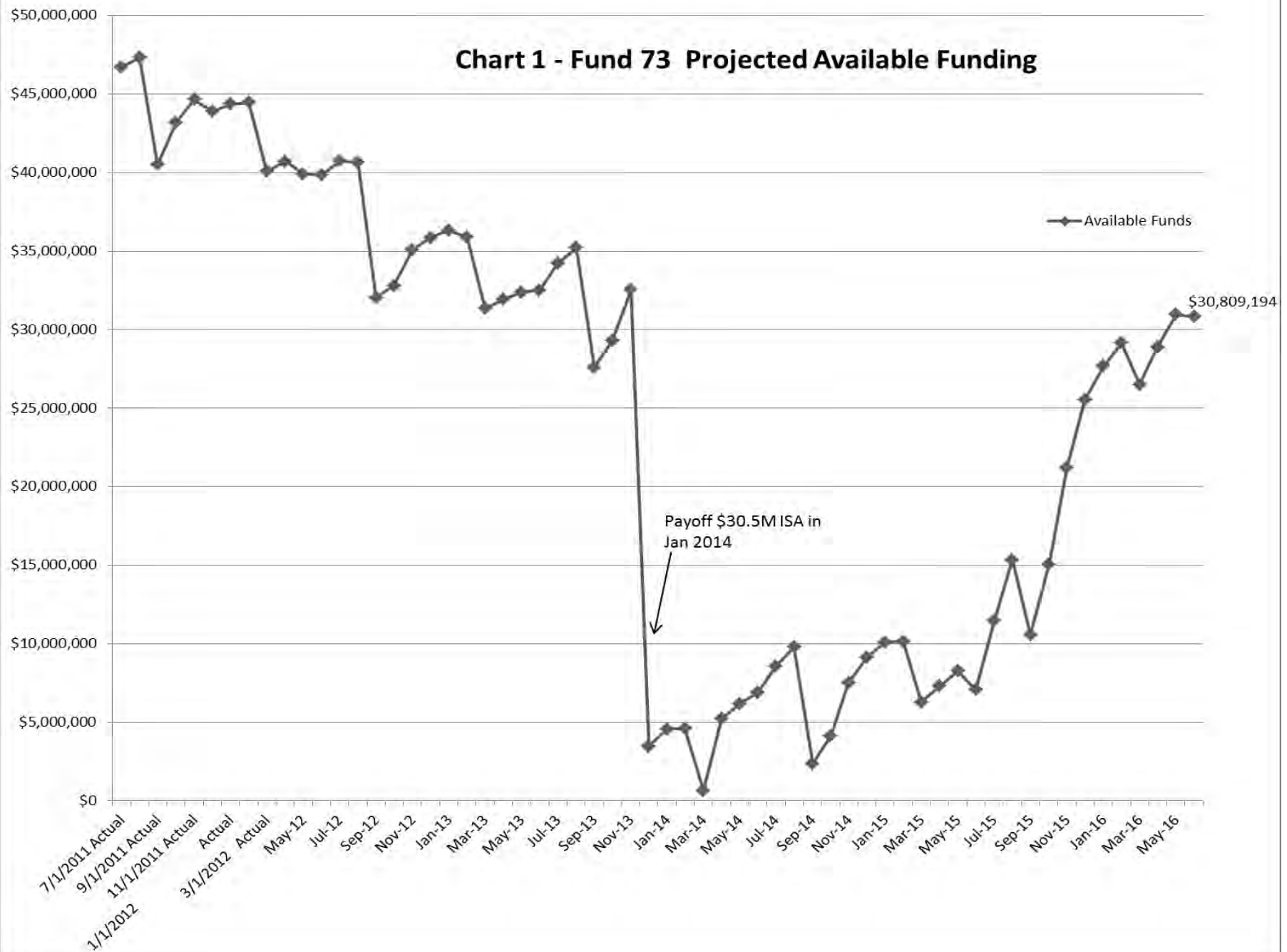
RECOMMENDED ACTION:

Information only.

ATTACHMENT:

Chart 1 – Fund 73 Projected Available Funding
 Fund 73 Five-year Cash Flow Tables

Chart 1 - Fund 73 Projected Available Funding



Fund 73 Cash Flow Tables

	FY 11/12												
	7/1/2011 Actual	8/1/2011 Actual	9/1/2011 Actual	10/1/2011 Actual	11/1/2011 Actual	12/1/2011 Actual	1/1/2012 Actual	2/1/2012 Actual	3/1/2012 Actual	Apr-12	May-12	Jun-12	Sum of Key Data
Beginning Fund Balance - Projected	46,800,014	46,724,612	47,322,004	40,509,717	43,193,209	44,652,525	43,893,339	44,359,556	44,458,587	40,081,015	40,723,759	39,911,460	
Source of Funds - Projected													-
Z7 Connection Fee Revenue	0	0	233,267	539,189	759,266	857,627	605,212	445,279	393,017	158,678	158,678	158,678	4,308,890
DV Connection Fee Revenue	0	699,720	0	2,346,410	0	0	267,540	0	403,370	158,678	158,678	158,678	4,193,074
DWR Refunds					884,703					969,646			1,854,349
Interest Revenue/Prepaid Connections/Other	-	1,025		-	10,651	40,004	-	25,000	-	55,296	-	250,000	381,976
ISA													-
Total Sources of Funds	0	700,745	233,267	2,885,599	1,654,620	897,631	872,752	470,279	796,387	1,342,298	317,356	567,356	10,738,289
Available Funds - Projected	46,800,014	47,425,357	47,555,271	43,395,315	44,847,829	45,550,156	44,766,091	44,829,835	45,254,974	41,423,314	41,041,115	40,478,816	
Projected Expenditures	75,402	103,353	7,045,554	202,106	195,304	1,656,816	406,535	371,248	5,173,958	699,555	1,129,655	453,324	17,512,812
Sinking Fund Contribution												186,072	186,072
Net Available Funds and ISA - Projected	46,724,612	47,322,004	40,509,717	43,193,209	44,652,525	43,893,339	44,359,556	44,458,587	40,081,015	40,723,759	39,911,460	39,839,420	
Designated Reserves												8,994,748	
Fund Balance and ISA												48,834,168	

FY 11/12 Key Data:

Projected Connection Fee Revenue:

Actually Received

% of Actual to Projected

\$ 8,501,965

\$ 7,549,896

89%

Projected Expenditures

Actually Spent

Actually Encumbered

% of Actual to Projected

\$ 17,512,812

\$ 15,230,278

\$ 449,984

90%



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: WATER QUALITY
CONTACT PERSON: GURPAL DEOL/BRIAN KEIL

AGENDA DATE: April 18, 2012

ITEM NO. 12f

SUBJECT: 2011 Water Quality Management Program Annual Report

SUMMARY:

- The attached 2011 Water Quality Management Program Annual Report summarizes water quality data from 2011.
- In 2011, Zone 7 met all primary health-related drinking water targets in the water it provided to its retailers.
- Some secondary (non health-related, often called aesthetic) and operational targets were not met.
- Zone 7 also met all non-potable water quality targets in the water it provided to its untreated water customers.
- Operation of the Mocho Groundwater Demineralization Plant resulted in a reduction of TDS and Hardness in customer turnouts that receive water from the Demineralization Plant.

FUNDING:

This program is funded from Fund 52 - Water Enterprise and Fund 73 - Expansion.

RECOMMENDED ACTION:

Information only.

ATTACHMENT:

2011 Water Quality Management Program Annual Report.



WATER QUALITY MANAGEMENT PROGRAM

2011 WATER QUALITY REPORT

This annual status report evaluates whether Zone 7 Water Agency is meeting the water quality targets established by its Water Quality Management Program (WQMP). The WQMP provides the basis for identifying ways to meet anticipated future regulations, reduce public health risks, and improve the delivered water quality - especially its taste, odor, and hardness, by effectively managing water quality issues, guiding operations, upgrading or improving facilities, and providing new facilities when necessary.

WQMP WATER QUALITY TARGETS are internal goals that Zone 7 applies to specific constituents that affect potable and non-potable water quality. The majority of these targets are significantly more stringent than existing regulations. Some of these constituents have been identified as “key parameters of concern” based upon the concerns expressed by our customers, the levels found in our local drinking water supplies, and anticipated changes in regulations.

ARE WE MEETING WQMP WATER QUALITY TARGETS? In 2011, Zone 7 met all of its primary drinking water standards and non-potable water quality targets. However, some of the water quality targets for drinking water were not met consistently, including those for taste & odor events, drinking water hardness, chloride, and free ammonia. Zone 7 continued to work on and support operational and planning activities that help meet our water quality targets and ensure that the service area has a reliable water supply. In addition to ongoing internal agency planning, we also work closely with various organizations to protect source water locally and at the state level. Zone 7 currently applies powdered activated carbon (PAC) seasonally at Del Valle and Patterson Pass conventional treatment plants to assist in reducing levels of odor-causing compounds and operates the Mocho Groundwater Demineralization Plant to remove salt and minerals from the groundwater basin while improving delivered water quality. Two significant future water quality improvement projects are identified in Zone 7's Capital Improvement Program (CIP). Ozone Facilities at Del Valle and Patterson Pass Water Treatment Plants have a target completion of 2023, subject to funding availability; and the second phase of demineralization is targeted for 2028 and will be evaluated during the planned update of the Salt Management Plan.

DEFINITIONS

Maximum Contaminant Level (MCL): *The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set as close to the PHGs (Public Health Goals) or MCLGs (Maximum Contaminant Level Goals) as is economically and technologically feasible. Secondary MCLs are set to protect the odor, taste, and appearance of drinking water.*

Primary Drinking Water Standard (PDWS): *MCLs and MRDLs (Maximum Residual Disinfectant Levels) for contaminants that affect health along with their monitoring and reporting requirements, and water treatment requirements.*

Table 1. Status of Potable Water Quality Targets

Key Parameters of Concern	Water Quality Targets ¹	Target Currently Met	Requires Optimization	Requires Capital Investment	Supplemental Table/Figure
Appearance	Minimize air bubbles/cloudiness events ²	✓			Table 2
Arsenic (µg/L)	<5	✓			Figure 1
Chloramines and Nitrification Prevention					
Total Disinfectant Residual (mg/L as Cl ₂)	2.0 - 2.5 from water treatment plants (WTPs), wells will be operated to be as close to this target range as feasible	✓			Figure 6
Cl ₂ :NH ₃ -N	4:1 to 5:1	✓ ³			
Minimize odor	Chloramine above pH 8.0 for WTPs	✓			
Free Ammonia Residual (mg/L as N)	<0.15 from WTPs; wells to be operated as close to this target as feasible	✓ ⁴			Figure 7
Nitrite (mg/L as N)	<0.02	NA ⁵			
Consistency	Provide consistent chloramine residual at all wells and WTPs	✓			Figure 6
Chloride (mg/L)	<100	✓ ⁶			Figure 3
Chromium VI, Cr⁶⁺ (µg/L)	<20 (pending potential regulations)	✓			Figure 2
Cryptosporidium	4-log removal, including multi-barrier control	✓			
Disinfection By-Products (DBPs)					
Maximum leaving WTP	Total Trihalomethanes (TTHMs) <64 µg/L Five Haloacetic acids (HAA5) <48 µg/L	✓ ⁷ ✓ ⁷			Figure 8a Figure 8b
N-Nitrosodimethylamine (NDMA) (ng/L)	<10 (pending potential regulations)	✓ ⁸			
Hardness (mg/L as CaCO₃)	<150	✓ ⁶	✓	✓	Figure 5
pH (Units)	non-corrosive pH leaving WTP at +/- 0.2 units of target	✓ ✓			
Taste and Odor (earthy/musty)					
Odor Threshold Concentrations					
2-Methylisoborneol (MIB)	9 ng/L		✓	✓	
Geosmin	4 ng/L		✓	✓	
Events ²	No events		✓	✓	Table 2
Total Dissolved Solids (TDS) (mg/L)	<500	✓	✓	✓	Figure 4

¹ Targets are set either at the secondary MCLs or 80% of the primary MCLs except for the key parameters of concern in the table above.

² An event is defined as when three or more similar complaints are received in a 7-day period.

³ Ratio is adjusted to meet target free ammonia residual at production facilities.

⁴ Averages met target at supply sources.

⁵ Monitoring discontinued with Retailer consent in 2006 due to historical non-detect nitrite levels.

⁶ Averages met target.

⁷ Regulatory compliance data is collected within each Retailer's distribution system and is included in Figures 9a and 9b, respectively for TTHMs and HAA5.

⁸ All supply sources (except the Chain of Lakes wells) and representative turnouts were monitored for NDMA in 2011 for supplemental information.

Units: Milligrams per liter (mg/L): a unit expressing the concentration of chemical constituent in solution as weight (milligram) of solute per unit volume (liter) of water; equivalent to one part per million.

Micrograms per liter (µg/L): equivalent to one part per billion.

Nanograms per liter (ng/L): equivalent to one part per trillion.

Table 2. Retail Customer Water Quality Complaints Reported to Zone 7*

Parameter	Dublin San Ramon Services District (DSRSD)	City of Pleasanton	Cal Water Service Company - Livermore	City of Livermore	Totals
Chlorinous Odor	12	1			13
Earthy/Musty Taste & Odor	6	14	3	5	28
Colored/Murky	4				4
Turbidity/Suspended Solids					
Salty Taste					
Hardness	1	4		1	6
Cloudy Water					
Others		3	5	1	9

* The complaints reported to Zone 7 by the end of each month are those deemed to be directly related to the Zone 7 water supply. There were two taste & odor events in 2011; one in August, and one in September.

Table 3. Status of Non-Potable Water Quality Targets

Key Parameters of Concern	Units	Maximum Applied Level/Targets	Average Targets	SBA***		
		Vineyards		Avg	Min	Max
Boron	mg/L	<1	<0.5	0.14	<0.10**	0.46
Chloride	mg/L	<200	<125	17	11	33
Emitter Clogging Potential	mEq/L as Ca+Mg****	3 to 4	3 to 4	1.5	0.8	3.2
Available Nitrogen from Nitrate	mg/L as N	-	<10 during summer	0.3	0.1	0.6
pH	---	-	<8.0	7.6	7.1	8.2
Sodium	mg/L	<200	<100	19	14	28
Total Dissolved Solids	mg/L	-	<650	143	89	242

** Boron's minimum reporting limit (MRL) is 0.10 mg/L.

*** SBA data is an average of monthly untreated water samples taken from the Del Valle WTP and the Patterson Pass WTP.

**** mg/L as Ca+Mg = milliequivalents per liter as calcium and magnesium.

Figure 1. Arsenic*

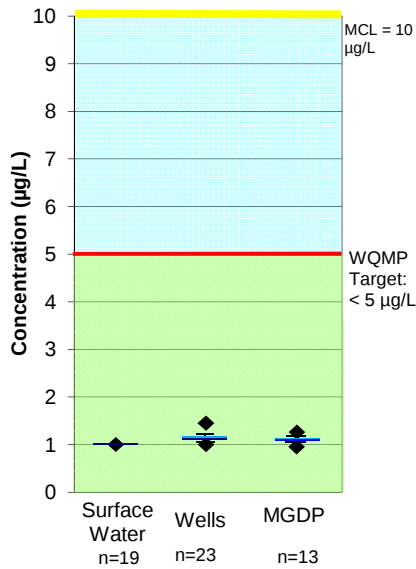


Figure 2. Total Chromium*

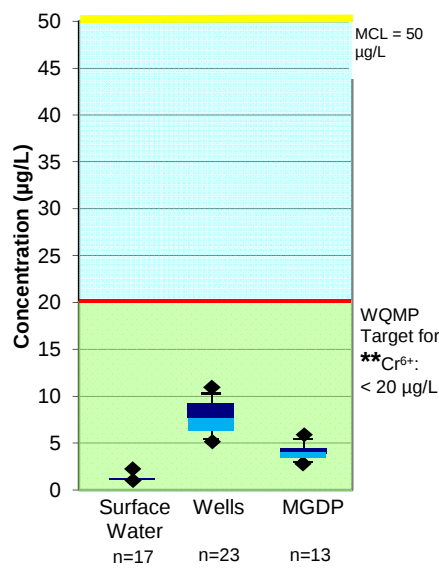


Figure 3. Chloride*

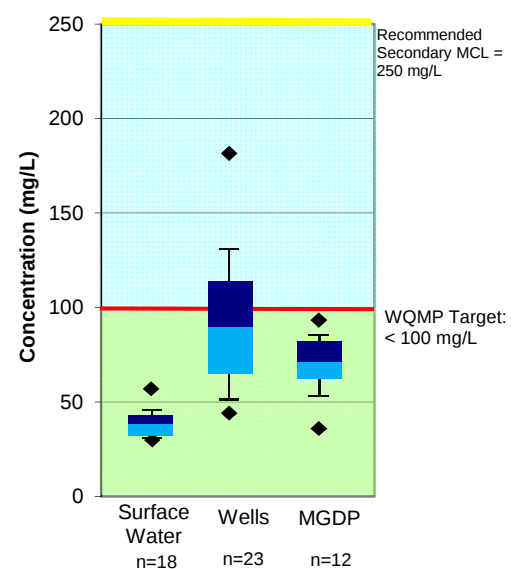


Figure 4. Total Dissolved Solids (TDS)*, ****
Retailer Turnout Samples**

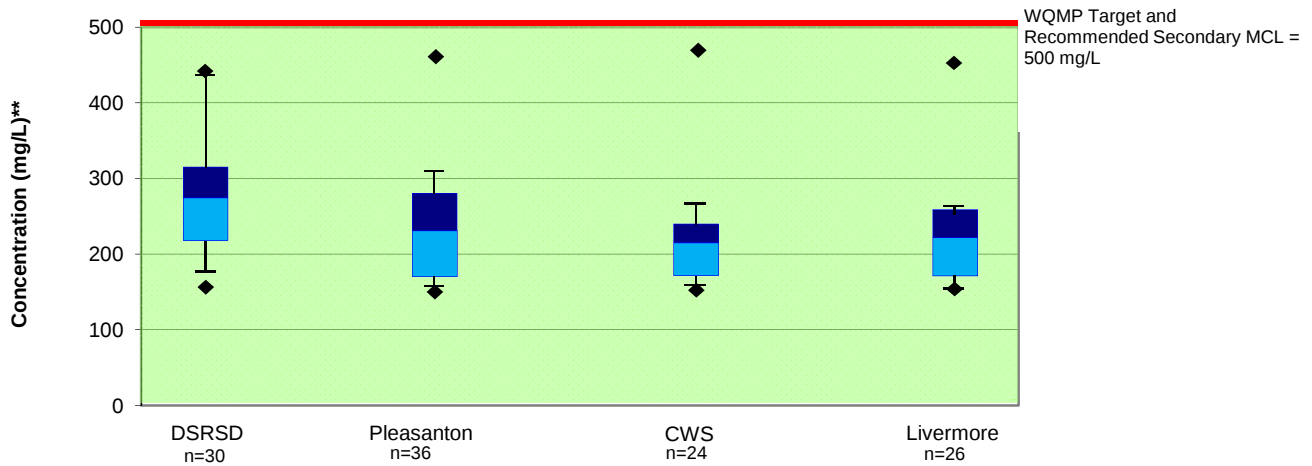
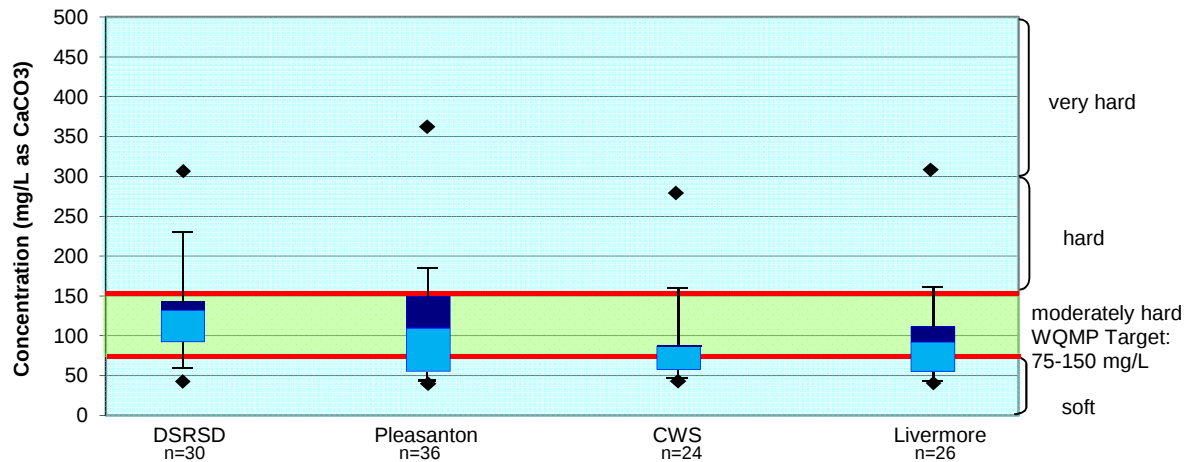


Figure 5. Total Hardness**
Retailer Turnout Samples**



*Wells data represents untreated water from all supply wells.

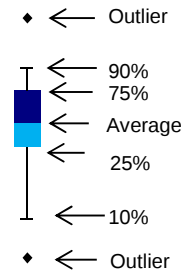
** Most Chromium in Zone 7 groundwater is Cr^{6+} .

*** Monthly TDS values are estimated from an average of weekly electrical conductivity measurements.

****The Arroyo Vista turnout was closed in March of 2011 and was removed from the DSRSD calculations.

HOW TO READ WATER QUALITY TARGET GRAPHS

- Each bar on the chart represents the range of measurements for various constituents monitored during 2011.
- The junction of the light blue and dark blue bars represent the average values over the year. The span of the light and dark blue bars represents the 75th and 25th percentile values of the data set. The "error bars" represent the 90th and 10th percentile values, and the black diamonds represent the data set outliers.
- WQMP water quality targets or ranges are highlighted in green, with the red line indicating the maximum and/or minimum value.
- Any applicable Maximum Contaminant Level (MCL) set by state and federal water quality regulations are highlighted by the yellow bar at the top of each chart.
- "n" represents the number of samples analyzed.



**Figure 6. Total Residual Chlorine*, **
Production Facility Effluent Samples**

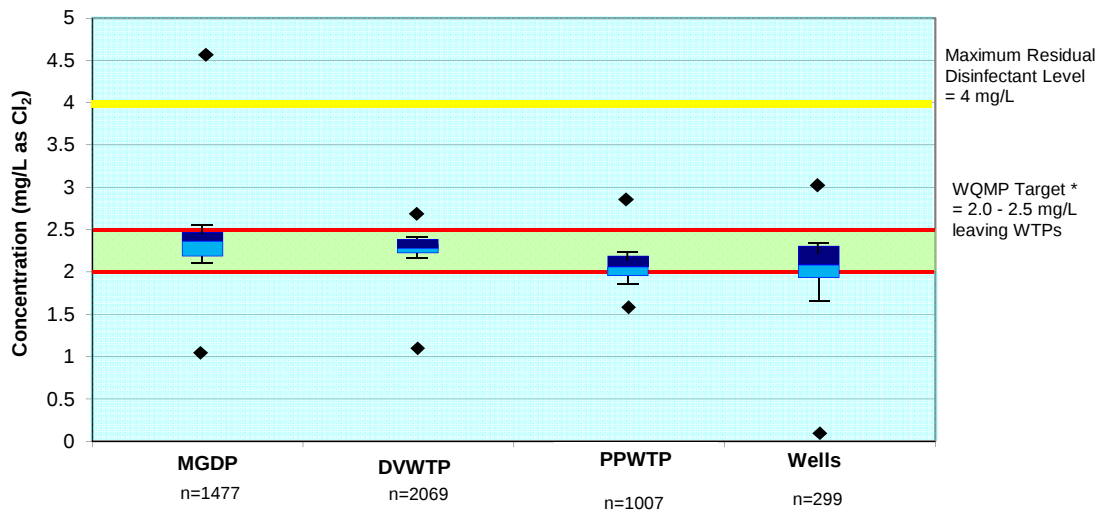
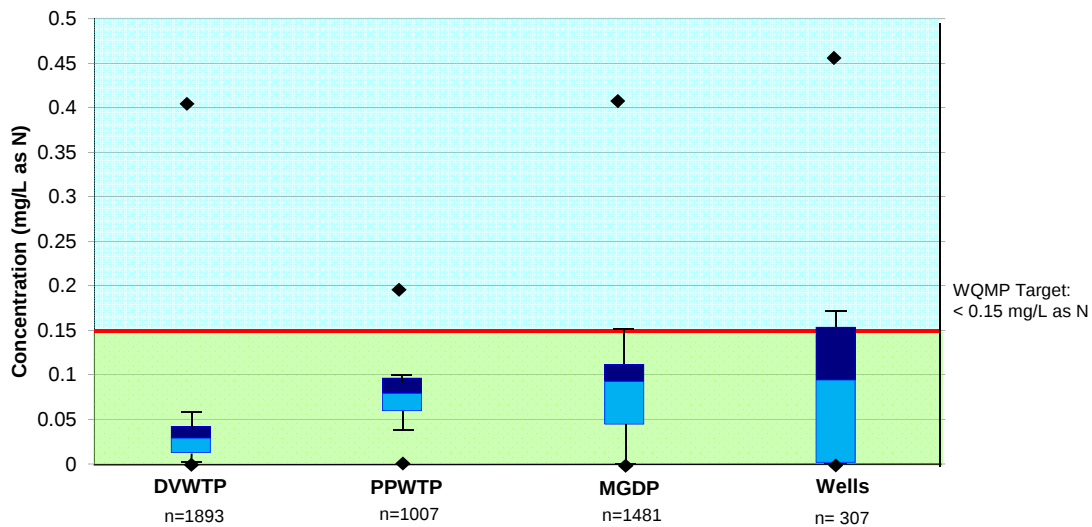


Figure 7. Free Ammonia*, *, ****
Production Facility Effluent Samples**



*Data is based on every 4-hour online values.

**The high residual disinfectant level at the MGD is due to a momentary spike due to plant startup.

***Free ammonia values at the wells are calculated values based off of the actual chlorine and ammonia feed.

****The high free ammonia levels at MGD and Wells are due to a momentary spike at plant startup. The high free ammonia value at DVWTP is due to an ammonia overfeed.

Figure 8a. Total Trihalomethanes (TTHMs)*,
Production Facility Effluent Samples**

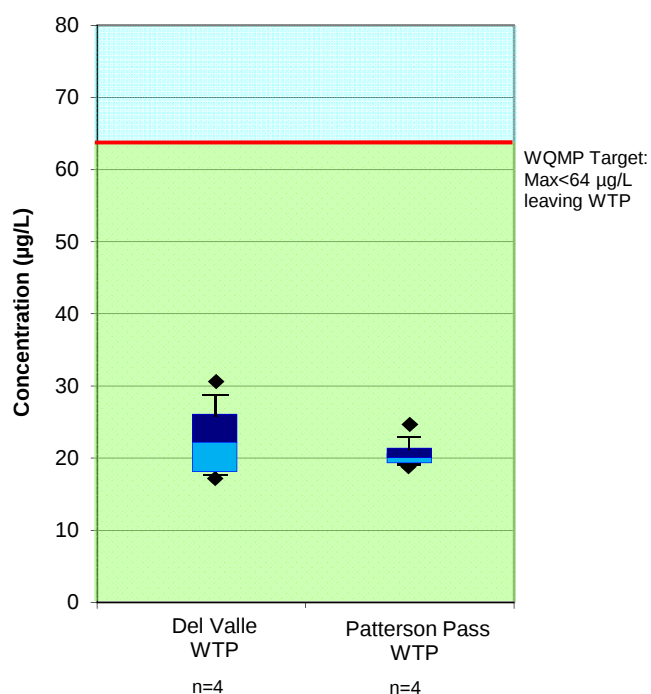
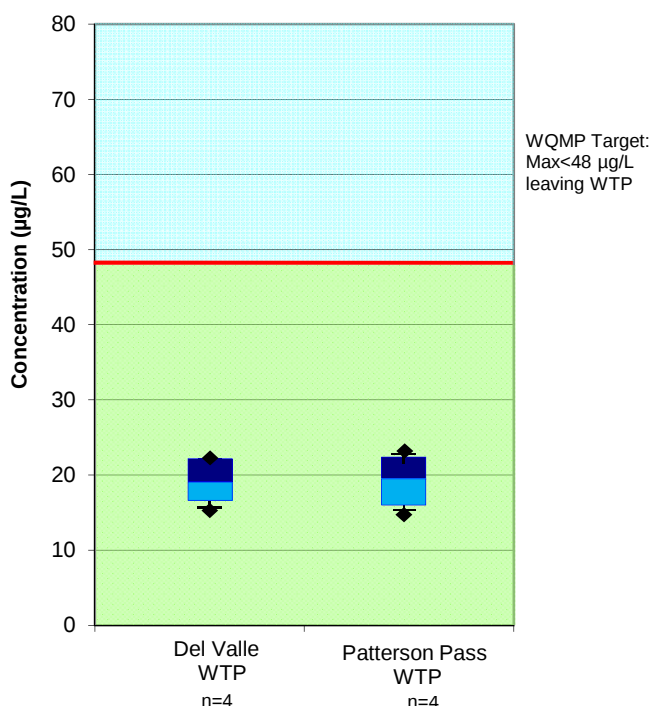
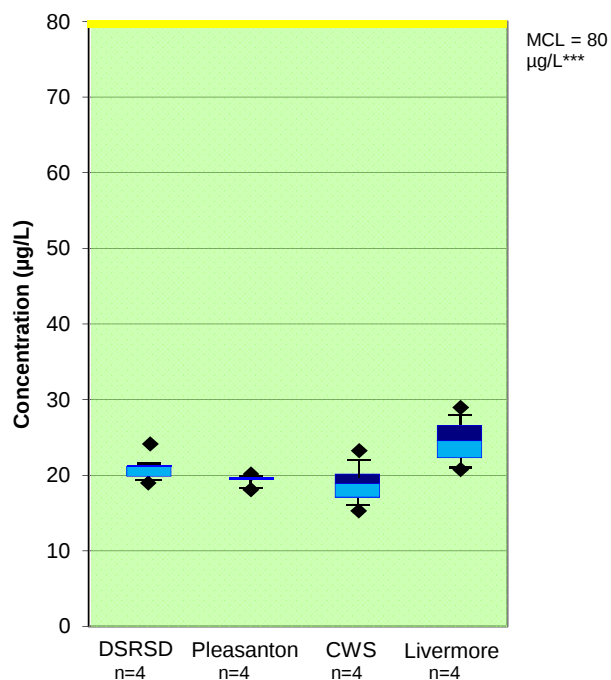


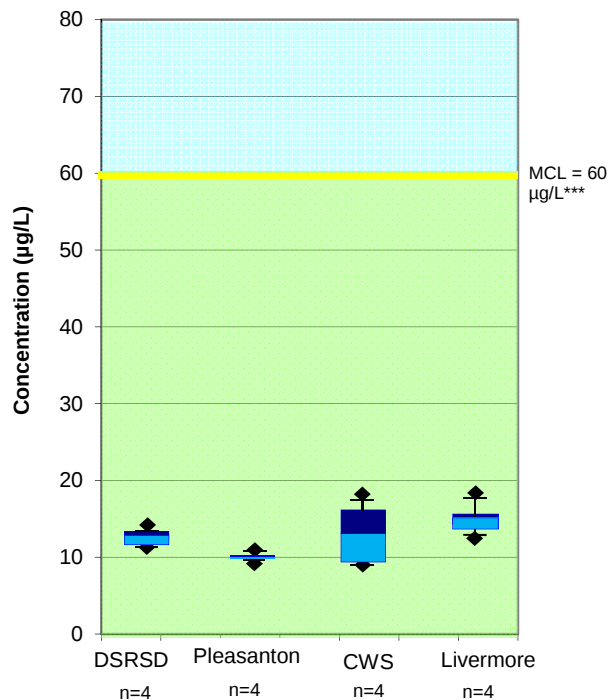
Figure 8b. Five Haloacetic Acids (HAA5)*,
Production Facility Effluent Samples**



**Figure 9a. Retailer Distribution System
Quarterly Running Annual Averages for
Total Trihalomethanes (TTHMs)**



**Figure 9b. Retailer Distribution System
Quarterly Running Annual Averages for
Five Haloacetic Acids (HAA5)**



* There is no MCL for TTHMs/HAA5 leaving WTP.

** No monitoring is conducted at the wells where minimal TTHMs/HAA5 are expected due to low organic content of the groundwater supply.

*** Retailer MCL compliance for TTHMs/HAA5 is determined by system-wide running annual average of quarterly samples.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: GROUNDWATER SECTION
CONTACT: COLLEEN WINEY/MATT KATEN

AGENDA DATE: April 18, 2012

ITEM NO. 12g

SUBJECT: Toxic Sites Surveillance Program Annual Report for 2011

SUMMARY:

- Zone 7 documents and tracks toxic sites across the groundwater basin that pose a potential threat to drinking water. Information is gathered from state, county, and local agencies, as well as from Zone 7's well permitting program and the State Water Resources Control Board's (WRCB) GeoTracker website. Zone 7's tracking program is designated the "Toxic Sites Surveillance (TSS) Program" and a report is generated annually to update the progress of investigations and clean-ups.
- Specific site information and known hydrologic conditions are used to ensure that each case is given the appropriate priority and attention by the local oversight agency and that adequate action is being taken by the responsible parties (RPs) to clean up the reported contamination.
- This report includes updates for activities that occurred through the end of 2011. Subsequent reports are prepared every year for inclusion in the Annual Report of the Groundwater Management Program.
- An Executive Summary is attached which summarizes the status and activities of the High Priority Sites since those reported in the 2010 Annual Report.
- In other program activities, Staff has been providing assistance to the Water Board on the development of a new Low-Threat UST Case Closure Policy and its implementation.
- The complete report, which contains further information on these and other sites in our program can be obtained by contacting Colleen Winey at (925) 454-5063 or cwiney@zone7water.com, or downloaded from the Zone 7 Water Agency website www.zone7water.com.

FUNDING:

This program is funded from Fund 52 - Water Enterprise.

RECOMMENDED ACTION:

For information only

ATTACHMENTS:

Executive Summary Toxic Site Surveillance Annual Report for 2011

**ZONE 7 WATER AGENCY
TOXIC SITES SURVEILLANCE
ANNUAL REPORT 2011**

EXECUTIVE SUMMARY

Zone 7 Water Agency is currently tracking the progress of 70 active toxic sites where contamination has been detected in groundwater or is threatening groundwater. Information is collected for each site and used to evaluate whether the sites have been given the appropriate priority and attention by the local oversight agency, and that adequate action is being taken by the responsible parties (RPs) to clean up the reported contamination and assure adequate protection of the Main Basin.

There are 16 active sites where the contaminate plume is within 2,000 feet of a municipal water supply well and are classified as “High Priority” cases due to their impact or threat of impact on potable groundwater supplies. Zone 7’s database contains 239 other contamination cases that have been either “Closed” or deemed “No Action Required” because they have been cleaned up or they pose minimal threat to drinking water supplies. Two new cases have been opened since the publication of the Toxic Site Surveillance (TSS) 2010 Annual Report in February 2011. During this same period, two cases were closed, and twelve more have requested and are being reviewed for closure at the time of this report.

The attached Figures 1 through 3 are maps that show the locations of the High Priority toxic sites as well as the lower ones within the Livermore valley, and their relative proximity to municipal water supply wells.

The two new cases opened in 2011 Water Year have been initially designated “Low” to “Moderate Priority” due to the relatively minor contamination detected so far, limited to soil, and/or the considerable distance separating the sites from the municipal groundwater supply. However, as with all of the active sites, their priority will be reevaluated as the results from their further investigations are reported.

Since the last TSS report in February 2011 (for 2010 water year), two cases were closed by the Alameda County Environmental Health Department (ACEH) and/or the Regional Water Quality Control Board (RWQCB) with no objection from Zone 7 staff. Generally, the contamination at these sites was characterized, remediated and monitored sufficiently to demonstrate that they no longer pose a risk to human health and the environment.

There are 12 sites that have requested closure and the case reviews are pending. Three of these case closure requests are for sites classified by Zone 7 as High Priority. Zone 7 has been working with ACEH to determine if these sites still pose a threat to groundwater and whether they should be closed at this time.

Below are summaries of the progress and activities conducted for the eleven “High Priority” sites in 2011 Water Year. Additional information on these and other active sites are available in the full 2011 Toxic Site Surveillance Report, which can be obtained by contacting Colleen Winey at

(925) 454-5063 or cwiney@zone7water.com, or downloaded from the Zone 7 Water Agency website www.zone7water.com.

HIGH PRIORITY SITE UPDATES

- Site 62: B&C Mini-Mart: ACEH approved an amended Corrective Action Plan (CAP) proposing target cleanup levels and an expanded soil vapor extraction pilot test submitted in September 2011 with the additional requirement of monitoring potential vapor migration. Groundwater monitoring is continuing on a semi-annual basis.
- Site 84: Arrow Rentals: A 5-year review of the case was conducted by SWRCB in November 2011. In their Summary Report, the SWRCB agreed with ACEH's order for a DPE system to be installed and operated at the site. Consequently, a DPE System was installed and operated for 1,148 hours between Nov 15, 2011 and Feb 1, 2012. The RP shut down the system in February 2012 claiming lack of funding. The RP is now asking ACEH for help in restoring funding from the State's UST Cleanup Fund so they can afford to restart the system.
- Site 111: Arco #00771: A Case Closure Request was submitted by the RP to ACEH in January 2012. The RP feels the case qualifies for low-risk closure because the source has been removed, concentrations are below the draft low-risk criteria guidelines, the plume appears to be stable, and they believed there were no receptors nearby. Zone 7 has notified ACEH that we disagree with the claim of no nearby receptors because Cal Water operates an active municipal supply well approximately 800 feet from the site, and accordingly, request that ACEH deny the request for closure.
- Site 115: Livermore Arcade/Miller's Outpost Shopping Centers: In July 2011, the RP requested that they be allowed six to ten months to complete their financial arrangements among the various RPs and to select a contractor before constructing the planned remediation system(s). RWQCB is allowing this while considering their options for a new or revised Order. The design/construction of the new remediation system(s) is expected in spring 2012. The last groundwater monitoring event was conducted in October 2011.
- Site 128: Laidlaw Transport: The RP submitted a Soil and Groundwater Characterization/Request for Low Risk Closure Report to ACEH in January 2012. According to the RP's report only residual hydrocarbons and BETX remain and the plume is stable and decreasing and the residual hydrocarbons do not threaten the public's drinking water supply. However, the report only identified one of the nearby Cal Water municipal supply wells. Zone 7 is opposed to closure of this case because there is a supply well, previously unidentified by the RP, within 500 feet of the site. ACEH has indicated they will be denying the RP's request based on this new information provided by Zone 7.
- Site 191: Former Beacon, #3604: An investigation using Membrane Interface Probe (MIP) technology was conducted in January 2011. Based on the investigation results, an

offsite deep monitoring well was installed just down gradient of the USTs in April 2011. Elevated levels of TPHg (72,000 ug/L) and benzene (5,200 ug/L) were detected in the new deep zone monitoring well. The RP is continuing the operation of the SVE and oxygen injection remediation systems. In addition, they will evaluate potential technologies and submit a work plan for remediation of the groundwater impacts observed down gradient of the USTs in the new deep well.

- Site 226: Livermore Gas & Mini Mart: A Remedial Implementation, consisting of three separate chemical oxidant injection events between April 11, 2011 and May 23, 2011 was conducted at approximately 32 locations in the area of concern. A Soil and Groundwater Remedial Implementation Report was submitted to ACEH in August 2011. ACEH requested that quarterly groundwater monitoring be continued to better evaluate the effectiveness of the chemical oxidant injections, and that quarterly groundwater reports should include concentration versus time graphs and isoconcentration maps. Quarterly reports were requested through the First Quarter of 2012. In December 2011, the RP submitted a request for Low-Threat Case Closure. Zone 7 has notified ACEH that it is opposed to case closure at this time. ACEH's response is pending but case closure is unlikely to be considered prior to the completion of the requested quarterly monitoring and evaluation.
- Site 231: Unocal Station #4186: First Semi-Annual Report of 2011 showed some decrease in concentrations of TPHg, MTBE, and BTEX. TBA was detected in onsite well U-11 at 11,000 ug/L. A Compound Specific Isotope Analysis was performed on samples collected during the first semi-annual monitoring event to help determine the biodegradability of TBA at the site. The results will be presented in a later report. Semi-annual monitoring continues.
- Site 238: All Rents: Now that a viable Responsible Party (RP) has been identified, Zone 7 is urging the RWQCB to open this site as a formal case and direct corrective action. The RWQCB attributes its inactivity on this case to resource constraints. Zone 7 may share the burden of locating the potential RP(s) for this site to expedite the process of opening this case.
- Site 259: Mills Square Park: ACEH conditionally approved a "Work Plan for Feasibility Testing and Additional Assessment" which was submitted in October 2011. The conditions placed on ACEH's approval were based on adding the following to the workplan: 1) increase the area of surface gypsum application; 2) add additional monitoring wells to evaluate effectiveness of the gypsum; 3) conduct a risk assessment on the application of gypsum in the landscaped area; and 4) reassess the lead risks based on the lower lead screening levels provided.
- Site 23: South Hop Shell: In April 2011, the RP submitted a Corrective Action Plan (CAP) that recommended monitored natural attenuation (MNA) as the preferred remedial alternative. ACEH disagreed with the proposed alternative at this time because of the increasing trend of TBA in down gradient well S-6. ACEH did accept, as the next remedial action, the RP's proposal to continue the semi-annual monitoring at this time to

assess whether the plume is stable. The next semi-annual monitoring report is due April 2012.

- Site 54: Shell #13-5783: The monitoring wells at the site were sampled quarterly in 2011, however, sampling will be switched to semi-annual in 2012 (wells will be sampled during the 2nd and 4th quarters of each calendar year.) Concentrations appear to be relatively stable and the groundwater contamination appears to be contained onsite. In the 3rd quarter of 2011, MTBE was detected in two of the seven monitoring wells; both detections (63 and 27 ug/L) were above the MCL of 13 ug/L. However, there was insufficient water in these shallow wells during the 4th quarter sampling event to obtain a representative sample for comparison.
- Site 60: Former Steve's Exxon #7-3399: The results of the Additional Soil and Groundwater Investigation conducted in February 2011 showed MTBE detected in all nine soil borings and groundwater samples. The Site Investigation Report stated that recommendations will be submitted under a separate cover and that document is still pending. Groundwater monitoring and active remediation continues at this site. The 3rd Quarter 2011 Report states that up to 10.2 lbs TPH, 0.2 lbs benzene and 10.7 lbs MTBE have been removed since remediation began.
- Site 242: Alameda County Fairgrounds: Zone 7 is continuing its effort convincing the RWQCB that this site should be opened as an official case. Staff is also continuing to research locations of former dry cleaners with ACEH's help to identify potential sources of the contamination. Historic aerial maps and Sanborn maps of the area will be examined to help determine past uses of properties nearby.
- Site 245: Hopyard Cleaners: A workplan for full-scale enhanced in-situ bioremediation (EISB) implementation was submitted to and approved by the RWQCB in January 2012. The follow up report is due sixty days after completing the first carbon substrate injection. Groundwater monitoring continues on a quarterly basis.
- Site 250: Sunol Tree and Gas: In November 2011, ACEH approved the RP's Interim Remedial Action Plan (IRAP) addendum with one addition. If toxic daughter products are detected above environmental screening levels (ESLs), ACEH must be notified immediately and contingency actions must be taken as outlined in the plan.

OTHER PROGRAM ACTIVITIES

The State Water Resources Control Board (SWRCB) has been taking steps to streamline the process for site closure in the interest of conserving the Underground Storage Tank (UST) Fund, without compromising water quality objectives and human health and safety. Some of these steps have included conducting case reviews on all active UST cases to see if any cases could be closed without risk to human health and the environment, and developing low-threat UST case closure criteria. A Task Force was created to provide recommendations for improvement of the UST Cleanup regulatory program. Using input from the Task Force, the State has produced a Draft Low-Threat UST Case Closure Policy intended to be used to allow for closure of some of the low-threat cases in order to use funds on cases that are more pressing. While this policy

seems to adequately protect existing water supply wells, it is staff's opinion that it does not adequately protect future groundwater use, when additional wells and recharge facilities may be operated and groundwater flow patterns are altered. Zone 7 would like to see the Policy amended to exclude cases located within managed groundwater basins from being automatically closed.

To this end, Zone 7 has actively participated in the policy-making process by:

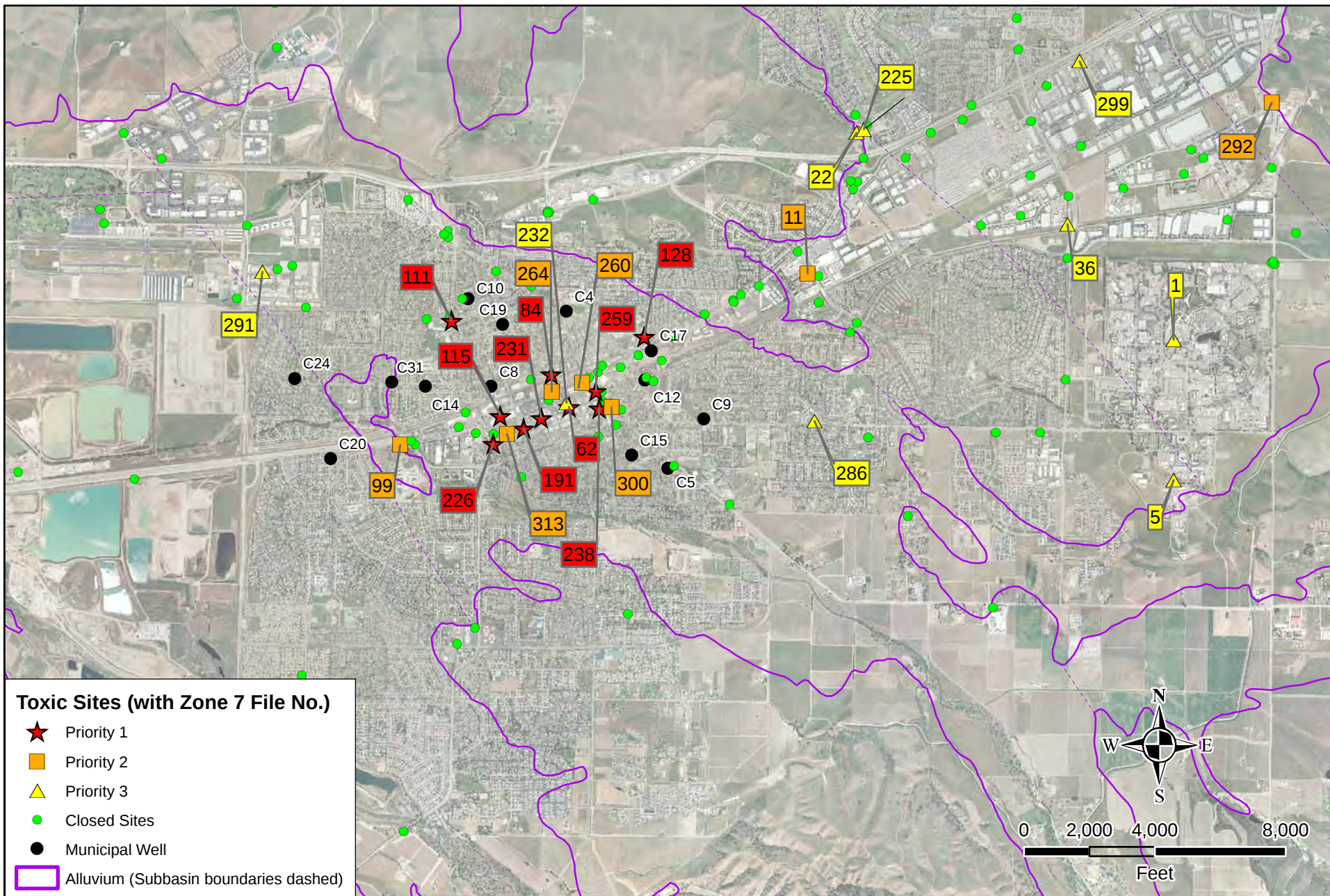
- Being an active member of the Task Force;
- Documenting concerns on the Draft Low-Threat UST Case Closure Policy by submitting comments during the public review process (comment letter is attached);
- Responding to individual case closure requests as they come up; and
- Voicing strong concerns by giving oral testimony at the SWRCB public hearing on the Low-Threat UST Case Closure Policy in April 2012.

ATTACHMENTS

Letter to the SWRCB, dated March 19, 2012, Subject: Comment re: Low-Threat UST Closure Policy

LIST OF ACRONYMS

ACEH	Alameda County Environmental Health
BTEX	Benzene, toluene, ethylbenzene, and xylenes
CAP	Corrective Action Plan
CWS	California Water Service
EISB	Enhanced In-Situ Bioremediation
ESL	Environmental Screening Levels
GWE	Groundwater Extraction
IRAP	Interim Remedial Action Plan
MCL	Maximum Contaminant Level
MNA	Monitored Natural Attenuation
MIP	Membrane Interface Probe
MTBE	Methyl Tertiary-Butyl Ether
PCE	Tetrachloroethene
RP	Responsible Party
RWQCB	Regional Water Quality Control Board
SVE	Soil Vapor Extraction
SWRCB	State Water Resources Control Board
TBA	Tertiary-Butyl Alcohol
TCE	Trichloroethene
TPHg	Total Petroleum Hydrocarbons from gasoline
TSS	Toxic Site Surveillance
ug/L	Micrograms per liter
UST	Underground Storage Tank
VOC	Volatile Organic Carbon



ZONE 7 WATER AGENCY
100 North Canyons Parkway,
Livermore, CA

DRAWN: CD/CW

REVIEWED: MK

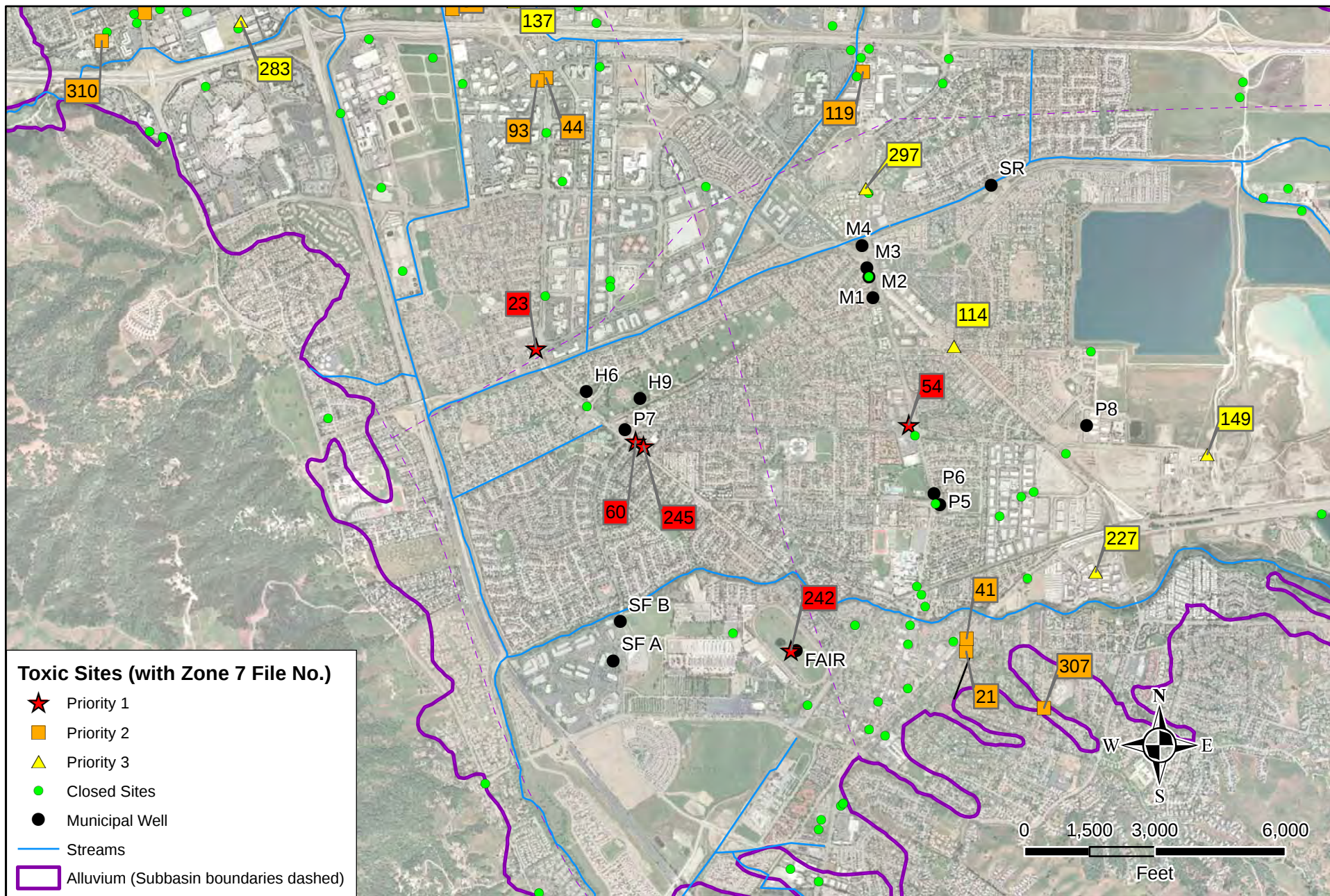
File: E:\Toxics\Toxics-Livermore.mxd

Toxic Site Surveillance Livermore Area Sites

Scale: 1" = 4000'

Date: April 2012

FIGURE 1



ZONE 7 WATER AGENCY
100 North Canyons Parkway,
Livermore, CA

DRAWN: CD/CW

REVIEWED: MK

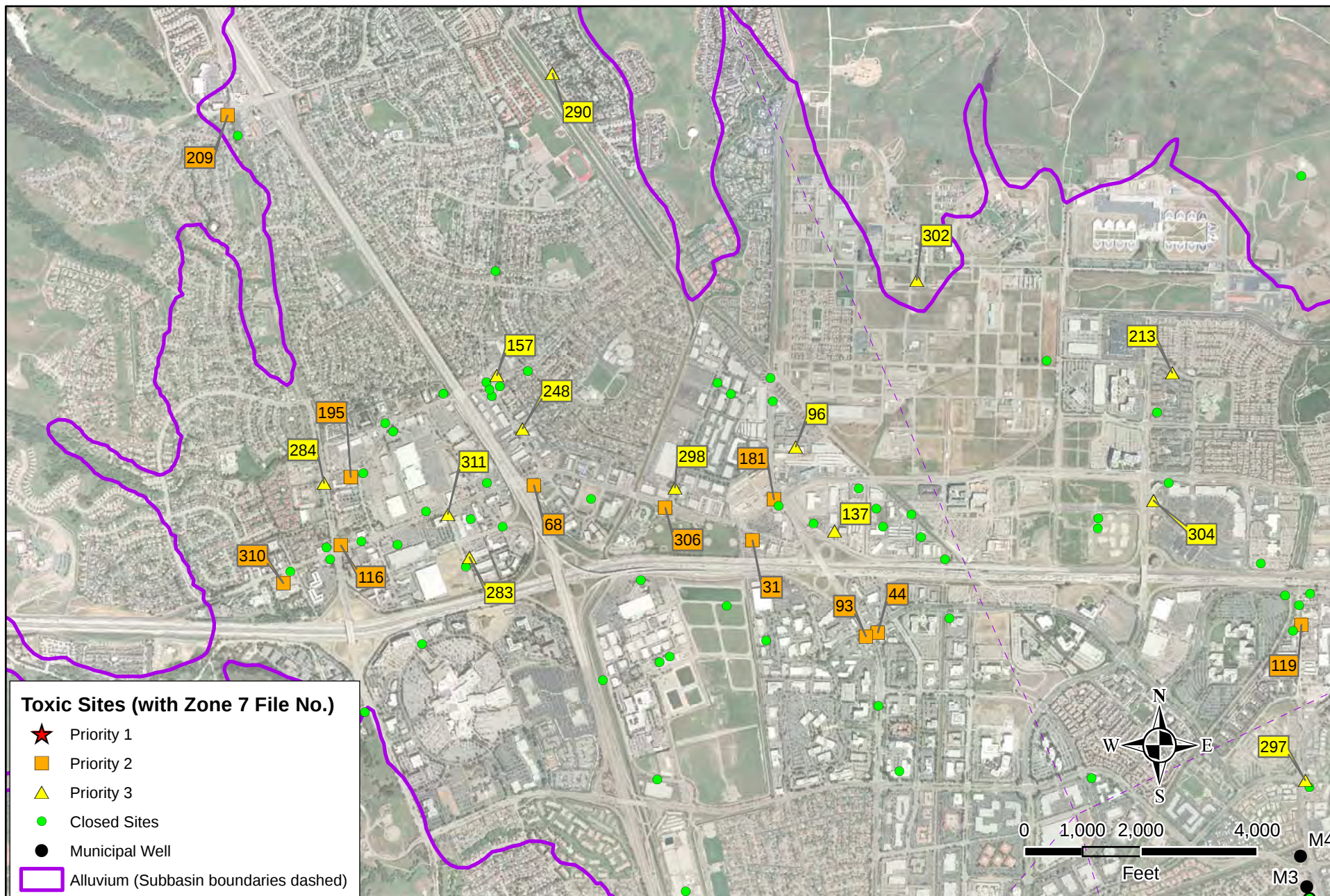
File: E:\Toxics\Toxics - Pleasanton.mxd

Toxic Site Surveillance Pleasanton Area Sites

Scale: 1" = 3000'

Date: April 2012

FIGURE 2



ZONE 7 WATER AGENCY
100 North Canyons Parkway,
Livermore, CA

DRAWN: CD/CW

REVIEWED: MK

File: E:\Toxics\Toxics - Dublin.mxd

**Toxic Site Surveillance
Dublin Area Sites
(North of Main Basin)**

Scale: 1" = 2000'

Date: April 2012

FIGURE 3



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486 • PHONE (925) 454-5000

March 19, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Sent via email to commentletters@waterboards.ca.gov

Subject: ***Comment re: Low-Threat UST Closure Policy***

Dear Ms. Townsend:

Zone 7 Water Agency (Zone 7) is the local groundwater management agency for the Livermore-Amador Valley Groundwater Basin and has been for over 40 years. Groundwater typically makes up 15-25% of the water supplied by Zone 7 to its retail water supply agencies. In addition, some of these retail water supply agencies operate their own community supply wells within the Basin, as do some independent domestic and agricultural well owners. These additional wells increase the total groundwater usage in the region to approximately 20-40% of total regional water use.

Furthermore, the Basin is used by Zone 7 in an integrated water supply program wherein surface water is imported from the State Project during wet years, artificially recharged into the Basin and then the water stored in the Basin is available as drinking water during dry years. In 2005, Zone 7 adopted a Well Master Plan in which the need for additional municipal supply wells (to be installed within the next 15 years) is a critical component of the long-term local water supply and underground storage management.

Zone 7's active basin management is outlined in its Groundwater Management Plan. This includes a Toxic Site Surveillance program which includes monitoring and tracking all Leaking Underground Fuel Tank (LUFT) sites within the Basin. Premature closure of LUFT sites could limit the number and location of sites available for future wells, hamper artificial recharge operations and, by extension, negatively impact the beneficial uses of the Basin.

Therefore, we strongly urge the State Board to amend its first General Criteria to read:

- a. The unauthorized release is located within the service area of a public water system that does not use the local groundwater basin as a supply;

Within the text explaining the first criteria, the policy needs to be amended appropriately to explain this concept. While the existing draft policy might be protective of existing wells, it severely limits future groundwater development in areas where basins are actively managed and

serving the general public as drinking water. It also ignores artificial recharge operations. It is imperative that this issue is better addressed so as not to degrade existing beneficial uses of a groundwater basin being used for a community's drinking water supply.

With respect to Zone 7's mission to provide drinking water, non-potable water for agriculture/irrigated turf, flood protection, and groundwater and stream management within the Livermore-Amador Valley, we have the following additional, more specific comments to offer on the Draft Low-Threat UST Case Closure Policy and SED for your consideration.

1. **Groundwater Future Use:** The draft policy takes into consideration existing groundwater supply wells and surface water bodies when determining if a case qualifies for low-threat closure. However, the policy does not appear to take into account that the case or site being considered for closure may be within 1,000 feet of a future supply well or artificial recharge facility in an active basin serving as a community water supply. In the Livermore Valley Groundwater Basin, for example, much of the groundwater is designated for municipal and domestic beneficial use. As a result, many supply wells are located within 1,000 of current and former UST sites. In addition to protecting groundwater in these current wells, Zone 7 would like to ensure that future well locations are also protected. There is a potential that Zone 7 or its retailers could develop plans to install a future production well within 1,000 feet of an existing plume. If that happens, a case or site that had qualified for low-threat closure may no longer be "low-threat." Again, Zone 7 strongly urges the Board to amend its first General Criteria so that active groundwater basins serving as community water supplies are not considered for closure under these low-threat criteria.
2. **On Page 5 of the Case Closure Policy, under Media-Specific Criteria, 1. Groundwater, Paragraph 5,** it is stated that "If groundwater with a designated beneficial use is affected by an unauthorized release, to satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed below. A plume that is 'stable or decreasing' is a contaminant mass that has expanded to its maximum extent: the distance from the release where attenuation exceeds migration." Zone 7 agrees that a plume must be stable or decreasing but does not feel that the method or criteria for determining if a plume is "stable and decreasing" has been adequately defined. If this policy document is not intended to provide that level of guidance for determining if characterization has been completed or if the contamination plume is stable, then Zone 7 recommends referencing a guidance document, such as the LUFT Manual. Zone 7 further recommends that whatever supporting guidance document is used is finalized prior to the Low-Threat UST Case Closure Policy being implemented.
3. **On Page 5 of the Case Closure Policy, under Media-Specific Criteria, Section 1, Groundwater, Paragraph 4 reads:** "It is a fundamental tenet of this low-threat closure policy that if the closure criteria described in this policy are satisfied at a petroleum unauthorized release site, attaining background water quality is not feasible, establishing an alternate level of water quality not to exceed that prescribed in the applicable Basin Plan is appropriate, and that the water quality objectives will be attained through natural attenuation

within a reasonable time, prior to the expected need for use of any affected groundwater.” Zone 7 recommends rewording the paragraph. The sentence appears to be incomplete and the meaning of the paragraph is unclear.

4. **Page 4 of the SED, Section 2, Project Description, Media-Specific Criteria, a. Groundwater:** The third sentence reads: “These include five different scenarios with differing characteristics such as plume length, contaminant concentrations, and distance to wells.” In the Low-Threat UST Case Closure Policy, distance from a water supply well or surface water body is referenced. Zone 7 recommends this remain consistent between the two documents and the SED should be changed to “distance to water supply wells or surface water bodies.”
5. **Neither the draft policy nor the SED adequately assess either the cumulative impacts of such case closures or the cost to local water suppliers of this state mandate.** The burden and expense associated with tracking, containing and/or groundwater pollution plumes should remain with the polluter; it is inappropriate to close these cases prematurely, thus shifting costs and impacts to local water suppliers that use groundwater basins as community water supplies. This issue could be addressed by amending the language of the first General Criteria as suggested above.

Zone 7 appreciates the opportunity to comment on this document. Again, while Zone 7 strongly supports the closure of low-threat LUFT cases, we urge the State Board to amend the document before adopting it to better address the higher level of threat posed in groundwater basins that serve as community drinking water supplies. If you have any questions or comments, please feel free to contact either me at the number above (e-mail jduerig@zone7water.com) or Colleen Winey at 925 454-5063 (e-mail cwiney@zone7water.com).

Sincerely,



G.F. Duerig
General Manager

cc (via email): Jerry Wickham, ACEH
Cleet Carlton, RWQCB
Kevin Graves, SWRCB - WQ
Jarnail Chahal
Matt Katen
Colleen Winey