

NOTICE OF REGULAR MEETING OF BOARD OF DIRECTORS

DATE: April 21, 2010
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 Acting Zone 7 Board Secretary, Judy Rector, at (925) 454-5053 or fax (925) 454-5727. 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. Salute to Flag
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 17, 2010
5. Consent Calendar
 - a) Declaration of May as Water Awareness Month and Continued Support for ACWA Conservation Principles
 - b) Contract for Organizational Development Consulting Support Services
 - c) Grant of Easements to the City of Livermore (70120 & 70121), Arroyo Las Positas (Line H), Livermore
 - d) Process for Naming General Counsel for Zone 7
 - e) Execution of a Services Contract with California Rangeland Trust for and Management of the Walker Property Conservation Easement
 - f) Amendment No. 5 to Contract with Meyers, Nave, Riback, Silver & Wilson to Provide Legal Services for Property Acquisition for the Chain of Lakes Well Nos. 1 and 2 Project

Recommended action: Adopt resolutions approving items as presented.

6. Staffing Updates:
 - a. New Employee Introduction
 - b. Employee of the Month Recognition
7. Consideration of Action to Increase the Compensation of Members of the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District

Recommended action: Schedule public hearing May 19, 2010 to adopt Ordinance or take no action

8. Co-Sponsorship of AB 2336

Recommended action: Discussion and provide direction to staff.

9. Pilot Grant Program: Arroyo De La Laguna Design Grant Request From Local Landowners

Recommended action: Adopt resolution.

10. Committees

11. Items for Future Agendas—Directors

12. Reports—Directors

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

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

- a. General Manager's Report
- b. Recent & Upcoming Public Outreach Activities
- c. Legislative Update
- d. Energy Program
- e. Quarterly Update of Expansion Fund
- f. Verbal Reports

14. CLOSED SESSION

- a) Conference with Legal Counsel – Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: 3 cases
- b) 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
- c) Government Code Section 549547: Public Employee Performance Evaluation
Title: General Manager

15. Open Session and Report Out of Closed Session

16. Upcoming Board Schedule:

(All meeting locations are 100 North Canyons Parkway, Livermore, unless otherwise noted)

- a) Delta Committee: April 27, 2010, 4:00 p.m.
- b) Regular Board Meeting: May 19, 2010, 7:00 p.m.

17. Adjournment

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.

ORIGINATING SECTION: OFFICE OF THE GENERAL MANAGER
CONTACT: Robyn Navarra, Conservation Coordinator

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: Declaration of May as Water Awareness Month and Continued Support for ACWA Conservation Principles

SUMMARY:

- The California Water Awareness Campaign is a year-long effort by organizations throughout California to heighten public awareness about 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. Zone 7 recognizes the significance of 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.
- In December 2009, Zone 7 continued the sponsorship payment of \$2,056 to the 2010 California Water Awareness Campaign.
- Staff recommends that the Board adopt the attached resolution, declaring the month of May as Water Awareness Month.
- In celebration of Water Awareness Month, staff also recommends that the Board continues its support for the California Water Awareness Campaign and ACWA's Policy Principles on Water Conservation and Water Use Efficiency.

FUNDING:

Not applicable.

RECOMMENDED ACTION:

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

ATTACHMENTS:

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

Interoffice Memo

Date: April 21, 2010
To: Jill Duerig
From: Robyn Navarra
Subject: Water Awareness Month and Declaration of Support for California Water Awareness Campaign and the ACWA Conservation Principles

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

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 Water Awareness Campaign annually reaches millions of 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, 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 December 2009, Zone 7 continued to support CWAC with a sponsorship payment of \$2,056 to support the 2010 California Water Awareness Campaign effort. In addition to this contribution; which helps fund such things as the "Nice Save" campaign, educational books, 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 coming years.

Since ACWA was founded in 1910, representing and providing key services to members has been ACWA's most important charge. From legislation, to regulatory activity, to broad policy issues, ACWA is on the front lines in Sacramento and in Washington, D.C. as a constant and respected advocate for California's public water agencies.

The Association of California Water Agencies 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. ACWA’s involvement at the state and federal level has helped shape laws and policies that affect ACWA member agencies and their customers. These Policy Principles should be understood in reference to and in the context of the ACWA Blueprint and other applicable ACWA Policy Principles (<http://www.acwa.com/issues/PolicyPrinciples/>). Zone 7 continues to support the ACWA’s fifteen principles as adopted by Zone 7’s board in May 2009.

Additionally, in May, staff is planning to distribute colorful water conservation fliers with water saving tips and messages to the local libraries and is a sponsor of the self-guided Bringing Back the Natives garden tour on May 2 that showcases beautiful native and drought-tolerant plants throughout the East Bay, including several homes in Zone 7’s service area. We also plan to showcase Water Awareness Month at the Livermore Wine Festival to be held May 1 and 2 and are inviting winners of the Tri-Valley Science and Engineers Fair for Zone 7’s special award category of water related projects to the Board’s regular May meeting. At the same meeting, Zone 7 will also recognize businesses in the valley for their efforts in water conservation.

As a kickoff to Water Awareness Month, staff recommends that the Board declare support for the California Water Awareness Campaign and the ACWA Policy Principles on Water Conservation and Water Use Efficiency.

To celebrate Water Awareness Month, the Board will also be asked, through a separate agenda item next month, to recognize winners of the Zone 7 water awards displayed 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 and the schools program for enhanced regional conservation.

FUNDING:

Not applicable.

RECOMMENDED ACTION:

Adopt attached resolution declaring May as Water Awareness Month and declaring 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:

WHEREAS, May 2010 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;

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

WHEREAS, the Association of California Water Agencies (ACWA) has developed and adopted the ACWA Policy Principles on Water Conservation and Water Use Efficiency;

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

BE IT FURTHER RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District supports and declares its support for the ACWA Policy Principles on Water Conservation and Water Use Efficiency.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

April 21, 2010

By _____
President, Board of Directors

ORIGINATING SECTION: Administration
CONTACT: Jill Duerig

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: Contract for Organizational Development Consulting Support Services

SUMMARY:

- Zone 7 Water Agency staff wishes to retain professional services related to organizational development, in particular consulting on implementation of culture changes.
- In December 2009, a General Manager's (GM) Contract was issued to The Mathis Group, Inc., to begin assessing agency cultural status and identifying potential approaches to improvement.
- The GM contract for Phase One work included cultural surveys, facilitating initial Management Advisory Team meetings, participating in four all-employee meetings and conducting two separate board workshops (on February 3 and March 31, 2010).
- Now that Phase One work has been completed, additional work has been identified to pursue a better agency culture.
- A Phase Two scope of services is attached for an estimated \$76,750. Staff recommends allowing up to a 10% additional contingency.
- Staff recommends authorizing the General Manager to negotiate a contract to complete the identified scope up to a total, not-to-exceed amount of \$84,425.

FUNDING:

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

RECOMMENDED ACTION:

Approve attached resolution, authorizing the General Manager to negotiate and execute a consultant services contract with The Mathis Group, Inc., to provide organizational development support services up to a total not-to-exceed amount of \$84,425.

Attachments: Background memo
Resolution
Proposal

Interoffice Memo

Date: April 21, 2010
To: Directors
From: Jill Duerig
Subject: Contract for Organizational Development Support Services

BACKGROUND:

The Mathis Group, Inc., provided Phase One organizational development consulting services to Zone 7 over the past several months. Results thus far have identified significant room for improvement to change the culture of Zone 7 to become a high performance organization providing the best possible service to the community it serves and providing a reliable supply of high quality water and an effective flood control system. In fulfilling that community commitment, the Agency is committed to developing and managing the water resources in a fiscally responsible, innovative, proactive and environmentally sensitive way.

To accomplish this, Agency staff intend to move forward in a direction that creates a Zone that ultimately:

- Is recognized by others in the water and flood control industries as the “platinum standard.”
- Provides stellar service – both to inside and outside customers.
- Is recognized as the “agency of choice” to both job seekers and construction contractors interested in bidding on public works jobs

Implementation of cultural changes to achieve such objectives requires further work by board, management and staff.

DISCUSSION:

Zone 7 staff requests the retention of the professional services of an organizational development consultant to take the findings from Phase One work and assist board, management and staff. Specifically, these services would include:

- Facilitate another six Management Advisory Team meetings, working with key management staff to identify opportunities for:
 - o Inventing the new Zone 7 Water Agency
 - o Improving the Zone culture
 - o Promoting positive leadership
 - o Providing for future leadership
- Assist executives with development of implementation work plan/s
- Perform desk audits, assist in role clarification and provide direction in managing the cultural change within the organization

- Provide coaching to assist supervisors and managers in learning small group facilitation skills to achieve internal culture changes, operational improvements, staff empowerment, new efficiencies and an overall reduction in bureaucracy
- Work with Directors on a Summer Workshop to identify opportunities to become a better board and incorporate cultural change objectives into strategic plan

Thus far, The Mathis Group, Inc.'s work has been satisfactory. In implementing improvements based on the Phase One findings, The Mathis Group, Inc., is singularly well-suited to providing continuity and therefore is most likely to achieve success in this endeavor, justifying a sole source contract with this consultant.

The attached scope, schedule and budget outline how the Mathis Group, Inc., will meet these needs for a total, not-to-exceed amount of \$76,750.

RECOMMENDATION:

Given the uncertainties inherent in such a Phase Two implementation program, staff recommends authorizing the General Manager to negotiate a contract to complete the identified scope up to a total, not-to-exceed amount of \$84,425, which includes a 10% contingency amount.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby accept the proposal from The Mathis Group, Inc., to provide organizational development consulting services;

BE IT FURTHER RESOLVED that the General Manager is hereby authorized to negotiate and execute a one-year contract with The Mathis Group, Inc. for government relations services for organizational development consulting services for the not-to-exceed amount of \$84,425.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

April 21, 2010

By _____
President, Board of Directors

~ 2010 FEE SCHEDULE ~

CONSULTATION

Daily Rate: \$3,000.00 plus expenses**

Hourly Rate (1/2 Day Minimum): \$375.00 plus expenses

Hourly Rate Associate Consultant Services: \$175.00 plus expenses

** Note that the daily rate is for 8 hours. Additional hours will be invoiced at the hourly rate of \$375.00 per hour.

EXPENSES

Expenses invoiced at cost and may include:

Travel Expenses Billed at cost

Travel Time To/From Appointments \$185.00/hour

Associate Travel Time \$ 85.00/hour

Lodging Billed at cost

Mileage \$ 0.68/mile

Personality Profile (DISC) \$85.00 each*

Staff Support Services & Word Processing \$55.00/hour

Telephone, Mailing, Printing & Supplies Billed at cost

*Plus ½ hour of staff time for processing

April 14, 2010

**TO: Jill Duerig, General Manager
Zone 7 Water Agency**

**FROM: Dr. Bill Mathis
Management Consultant**

RE: Scope of Work: Mathis Group

Theme: Changing the Culture of Zone 7 to become a high-performance organization requires courage and leadership to provide the best service to the community it serves. This investment in time and training should result in productivity improvements, morale enhancements, and more project completion.

Major Initiatives:

A. Management Advisory Team

Facilitation of these 12-person meetings serves as the lead change agent for the culture vision. These leaders will continue advising the General Manager and AGMs as well as communicate to the rest of the organization. This leadership team serves as ambassadors of change strategies throughout the organization.

Activities: Include new strategies for changing the culture and advancing ideas prior to implementation.

Schedule: 6 meetings (April – September 2010).

Cost: \$26,250 (Includes preparation, travel, and expenses).

B. Assistant General Manager Meetings with GM regarding Workplan Development

These meetings will focus on leadership strategies put in place and team building. The 4 Executives supporting the GM will develop on-going workplans supporting the Board's Strategic Plan, GM's goals and developing a high-quality culture in each Division they serve.

Activities: Include setting and achieving benchmarks; metrics for achievement; and vision for each of the major initiatives within their Division.

Schedule: Six ½-day meetings (April – September 2010).

Cost: \$17,500 (Includes preparation, travel, and expenses).

C. Manager's Desk Audits, Role Clarification and Managing the Culture Change in the Organization

These activities will result in significant enhancements and role clarity in every position at a supervisor level. Managers will be in position to train and upgrade all staff with skills learned in these exercises. All managers will develop goals for improving performance and positively reducing bureaucracy and conflict internal to the organization.

Activities: Individual coaching sessions in 2-3 hr. blocks arranged on TBA schedules pursuant to Manager's availability.

Schedule: Approximately 5 days total (April – September, 2010).

Cost: \$12,500

D. Focus Groups

This mechanism and strategy has supervisors and managers learning facilitation skills in small groups and provides: coaching to achieve internal culture changes, operational improvements, staff empowerment, reduction of bureaucracy and for new simplicity and efficiency.

Activities: 10 Training Sessions at the various sites and results being implemented and approved at the lowest level of authority

Schedule: 4 days total (April – July, 2010).

Cost: \$14,500 (Includes travel and expenses).

E. Working with Directors on Summer Workshop

Being available to Directors in approaching the Summer Retreat and available to discuss increased Board participation and role in changing the culture in Zone 7. Discussions about Brand Best Practices and Leadership will be available to Directors. Facilitate organizational development portion of workshop.

Activities: Meetings with board members, as needed, and workshop preparation, participation and follow-up.

Schedule: 2 days (June – August 2010).

Cost: \$6,000 (Includes travel and expenses).

TOTAL \$76,750

ORIGINATING SECTION: FINANCE & BUSINESS SERVICES
CONTACT: DENNIS GAMBS/JOHN YUE

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: GRANT OF EASEMENTS TO THE CITY OF LIVERMORE (70120 & 70121),
ARROYO LAS POSITAS (LINE H), LIVERMORE

SUMMARY:

- The City of Livermore has a project, Livermore to Pleasanton Arroyo Trail Connection, as part of the City's Bikeways and Trails Master Plan.
- The trail will cross the Arroyo Las Positas Channel near El Charro Road requiring a pedestrian bridge and storm drain for a ditch alongside the newly constructed trail.
- The City of Livermore has requested easements for a pedestrian trail bridge and a storm drain from Zone 7 in connection with the project.
- Zone 7's flood control staff have reviewed the construction plans for the pedestrian trail bridge and storm drain and determined that the proposed facilities should not conflict or interfere with the use of the channel property by Zone 7 for flood control purposes.
- The City and Zone 7 staffs have negotiated easement grants that are acceptable to both parties.

FUNDING:

Zone 7 will be compensated a one-time administrative fee in the amount of \$3,000 for both of the easements.

RECOMMENDED ACTION:

Adopt attached resolution requesting and authorizing the Board of Supervisors of Alameda County Flood Control and Water Conservation District to approve granting the Pedestrian Trail Bridge Easement and Storm Drain Easement to the City of Livermore.

ATTACHMENTS

Resolution
Location Map
Grant of Easements
R/W Drawing Nos. RF-10084 & 10085

INTEROFFICE MEMO

Date: April 14, 2010
To: Jill Duerig
From: Dennis Gambs
Subject: Grant of Easements to the City of Livermore (70120 & 70121)

BACKGROUND/ DISCUSSION:

The Livermore to Pleasanton Arroyo Trail Connection project is identified as a high priority trail in the City of Livermore Bikeways and Trails Master Plan, and will link over 25 miles of trails in the City of Livermore to 15 miles of trails in the City of Pleasanton. A portion of this trail alignment crosses Zone 7's property requiring easements for a pedestrian trail bridge crossing over the Arroyo Las Positas (70120) as well as the connection of a storm drain to the Arroyo Las Positas (70121), respectively.

The City of Livermore has requested the conveyance of these two easements for the project. The pedestrian trail bridge easement (70120) will connect the City trail between the north and south sides of the channel located near El Charro Road. The storm drain easement (70121) is for installing and maintaining a storm drain made necessary by the proposed trail improvements. This reach of the Arroyo Las Positas Channel is included in the Recreational Use License Agreement between the City and Zone 7. The City would own and maintain the pedestrian trail bridge and storm drain per the grant documents.

The pedestrian trail bridge easement (70120) is 94 feet in length and 15 feet in width for an area of 1,410 square feet. The storm drain easement (70121) is 14.88 feet in length and 10 feet in width for an area of approximately 150 square feet.

Zone 7's flood control staff have reviewed the construction plans for the pedestrian bridge and storm drain and determined that the proposed facilities should not conflict or interfere with the use of the channel property by Zone 7 for flood control purposes.

The City and Zone 7 staffs have negotiated a one-time administrative fee of \$3,000 as compensation for the granting of the easements. The easements have nominal value and the cost of an appraisal for the properties is estimated at a minimum of \$5,000. The City and Zone 7 staffs have also negotiated easement rights that are acceptable to both staffs.

The legal title to all real property owned by the Alameda County Flood Control and Water Conservation District, including Zone 7 property, is held in the name of the District. As such, the Board of Supervisors of the Alameda County Flood Control and Water Conservation District needs to approve the grant of easement to City of Livermore. To that end, the Zone 7 Board of Directors will request and authorize the District Board to approve the proposed conveyance.

ZONE NO. 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

APPROVAL FOR GRANT OF EASEMENTS TO THE CITY OF LIVERMORE

WHEREAS, the City of Livermore has requested easements for a pedestrian trail bridge (70120) and a storm drain (70121), respectively both on the Arroyo Las Positas (Line H) in the City of Livermore, which is owned in fee by Alameda County Flood Control and Water Conservation District, Zone 7; and

WHEREAS, grant documents for a pedestrian trail bridge and a storm drain have been prepared conveying to the City of Livermore easements located on the Arroyo Las Positas, to which reference is made to said easements for the description of said property, and by said reference is made a part hereof as though fully set forth herein; and

WHEREAS, said real property was acquired for flood control purposes;

NOW, THEREFORE, BE IT RESOLVED, that this Board of Directors hereby finds and determines that the granting of said easements is in the public interest and will not substantially conflict nor interfere with the use of said property by Zone 7 for flood control purposes; and

BE IT FURTHER RESOLVED, that this Board of Directors hereby requests and recommend that the Board of Supervisors of Alameda County Flood Control and Water Conservation District approve granting said easements, and does authorize the President of the Board of Supervisors to execute same.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Line H
No. 70020 & 70021
Map: RF 10085

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

April 21, 2010

By: _____
President, Board of Directors

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Livermore
1052 S. Livermore Avenue
Livermore, CA 94550
Attention: City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN 904-0001-003-23 (portion)

No. 70120

GRANT OF EASEMENT

(Pedestrian Trail Bridge)

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, hereinafter designated "Grantor", in consideration of value paid, the adequacy and receipt of which are hereby acknowledged, hereby grants to the **CITY OF LIVERMORE**, a municipal corporation, hereinafter designated "Grantee", its successors and assigns, the perpetual Easement to construct, reconstruct, replace, use, inspect, maintain, repair, operate or remove a pedestrian bridge crossing, including any and all appurtenances thereto, over, and across all that certain real property in the City of Livermore, County of Alameda, State of California, described in attached Exhibit "A" and depicted in Exhibit "A-1," attached hereto and incorporated herein by reference("Easement Area") .

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

1. The construction, operation, maintenance, repair and replacement, or removal of the Pedestrian Trail Bridge, and appurtenances thereto, upon the aforesaid Easement Area shall be the sole responsibility of Grantee and include any operation, maintenance, repair, replacement or removal necessary as a result of any damages from storm flows, slides and other causes.
2. Prior to installation of the Pedestrian Trail Bridge, Grantee shall submit plans and specifications to Grantor for review. The Pedestrian Trail Bridge shall not be installed by Grantee without first obtaining written approval from Grantor. Written approval shall not be unreasonably withheld and said approval shall be given unless Grantor, in its sole discretion, determines that the Pedestrian Trail Bridge would interfere with the primary use of the easement area for flood control purposes.
3. 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 property. The granting of such access rights shall be contingent upon Grantee not interfering with the primary use of the property for flood control purposes. Grantee shall obtain an encroachment permit from Grantor prior to making any major additions or modifications or reconstruction of said Pedestrian Trail Bridge or its appurtenances upon the property of Grantor. Grantor shall issue said permit within three (3) working days, if possible, at no cost to Grantee.

4. Grantee agrees that upon the completion of any of its work within Grantor's property, to restore Grantor's property to the condition in which it was prior to the commencement of said work or as acceptable to Grantor. Grantee shall, at Grantee's sole cost, promptly repair any damage to Grantor's real and personal property, arising out of or in connection with Grantee's construction, operation, maintenance, replacement, repair or removal of said Pedestrian Trail Bridge and appurtenances. In the event after written notice is provided by Grantor, the Grantee fails, is unable or refuses to maintain or repair its Pedestrian Trail Bridge or to otherwise take action(s) necessary to protect Grantor's real and personal property from damage, Grantor shall have the option to perform any necessary work to protect its property from damage or to maintain, repair, alter or replace Grantor's property damaged due to Grantee's lack of or failure to maintain or repair its Pedestrian Trail Bridge or to take action to protect Grantor's property. Grantee shall be responsible for any costs incurred by Grantor in connection therewith and shall promptly reimburse Grantor upon receipt of written invoice.
5. Grantor reserves the right to convey easement rights to others so long as such easement(s) do not conflict or interfere with Grantee's Easement rights herein conveyed, but prior to making such a conveyance, Grantor will provide written notice to Grantee.
6. Should Grantee, its successors or assigns, at any time abandon the use of said Easement or any part thereof or fail at any time to use the same for the purposes granted herein for a continuous period of one (1) year, all rights hereby granted shall revert to Grantor. If requested by Grantor, upon termination of the rights and privileges hereby granted, Grantee at its own cost and expense, agrees to remove the structure from said Easement Area and restore said property, nearly as practicable, to the same state and condition in which it existed prior to Grantee's construction upon said property, and Grantee or Grantee's successors or assigns shall provide, at no cost to Grantor, a quitclaim deed to all or any part of said Easement Area which reverts to Grantor under the above-stated conditions.
7. The Grant of Easement is subject and subordinate to the prior and continuing right of Grantor, its successors and assigns, to use all of the hereinabove described real property beneath said Pedestrian Trail Bridge, for the purposes of construction, reconstruction, maintenance and use of existing and future flood control channels, maintenance roads, appurtenances and future uses as determined by Grantor, insofar as said uses do not interfere with Grantee's structure or use of the described Easement Area. Grantee acknowledges and agrees that in the event of an emergency, Grantor may need to use or suspend Grantee's use of the Pedestrian Trail Bridge, alter, remove, damage or otherwise affect Grantee's Pedestrian Trail Bridge. In such event, Grantor agrees to use reasonable care to avoid damage to Grantee and Grantee agrees to release and waive any claims of loss or damage against Grantor.
8. Grantee shall indemnify, defend, reimburse and hold harmless Grantor, its officers, agents, contractors and, employees (collectively, "Indemnitees") from and against any and all demands, claims, legal or administrative proceedings, losses, costs, penalties, fines, liens, judgments, damages and liabilities of any kind (collectively, "Liabilities"), arising in any manner out of: (a) any injury to or death of any person or damage to or destruction of any property occurring in, on or about the Easement Area, or any part thereof, whether the person or property of Grantee, its officers, agents, employees, contractors and subcontractors (collectively, "Agents"), its invitees, guests or business visitors or third persons (collectively, "Invitees"), relating in any manner to any use or activity under the Easement and modifications thereto; (b) any failure by Grantee to faithfully observe or perform any of the

terms, covenants or conditions of this Easement or (c) the use of the Easement or any activities conducted thereon by Grantee, its Agents or Invitees. This provision applies except to the extent of Liabilities resulting directly from the sole negligence or willful misconduct of Grantor or Grantor's authorized representatives.

The foregoing indemnity shall include, without limitation, reasonable attorneys' and consultants' fees, investigation and remediation costs and all other reasonable costs and expenses incurred by the Indemnitees, including, without limitation, damages for decrease in the value of the Easement Area and claims for damages or decreases in the value of adjoining property. Grantee shall have an immediate and independent obligation to defend Grantor from any claim which actually or potentially falls within this indemnity provision even if such allegation is or may be groundless, fraudulent or false, which obligation arises at the time such claim is tendered to Grantee by Grantor and continues at all times thereafter.

9. Any notice which Grantor or Grantee are required to provide related to this Easement shall be given in writing and may be personally served, sent by overnight courier delivery, or deposited in the United State Mail as certified mail, return receipt requested, postage prepaid, addressed to the other party at the following address:

Grantor: Zone 7
 Alameda County Flood Control and Water Conservation District
 100 N. Canyons Parkway
 Livermore, CA 94551
 925 454-5020

Grantee: City of Livermore
 1052 S. Livermore Avenue
 Livermore, CA 94550
 925 960-4500
 Attention: City Engineer

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

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____, adopted _____, 2010, a certified copy of which is attached hereto and made a part hereof.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

By: _____

Alice Lai-Bitker, President
The Board of Supervisors
Alameda County Flood Control and
Water Conservation District

Line H

Map: RF 10084

State of California
County of Alameda

On _____ before me, _____,
a Notary Public, personally appeared Alice Lai-Bitker, who proved to me on the basis of
satisfactory evidence to be the person whose name is subscribed to the within instrument and she
acknowledged to me that she executed the same in her authorized capacity, and that by her
signature on the instrument the person, or the entity upon behalf of which the person acted,
executed the instrument.

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

WITNESS my hand and official seal.

Signature _____ (Seal)

Name (typed or printed), Notary Public in
and for said County and State.

EXHIBIT "A"

DESCRIPTION FOR ALAMEDA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

ARROYO LAS POSITAS – LINE H

PEDESTRIAN TRAIL BRIDGE EASEMENT AREA TO BE CONVEYED TO THE CITY OF
LIVERMORE, A MUNICIPAL CORPORATION

FOR LIVERMORE TO PLEASANTON ARROYO TRAIL CONNECTION

Map: RF - 10084
APN: 904-0001-003-23 (Por.)

No. 70120
July 25, 2008

A STRIP OF LAND SITUATE IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THE GRANT DEED FROM THE COUNTY OF ALAMEDA, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, A BODY CORPORATE AND POLITIC, RECORDED ON JUNE 17, 2004 AS RECORDER'S INSTRUMENT SERIES NO. 2004272275, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA, FURTHER DESCRIBED AS FOLLOWS;

A STRIP OF LAND OF THE UNIFORM WIDTH OF 15.00 FEET, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING (POC) AT A FOUND 3/4" DIAMETER IRON PIPE WITH TAG "RCE 10879" ACCEPTED AS THE LOCATION OF THE 5/8" DIAMETER REBAR AND ALUMINUM CAP SHOWN UPON PARCEL MAP 6332, SAID MAP BEING FILED FOR RECORD ON FEBRUARY 24, 1994 IN BOOK 213 OF MAPS AT PAGE 6, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, SAID IRON PIPE MARKING THE NORTHERLY TERMINUS OF A COURSE SHOWN ON SHEET 4 OF SAID MAP, WHICH COURSE HAS A BEARING OF "N 1°28'32" E" AND A LENGTH OF "169.63" FEET;

THENCE LEAVING SAID IRON PIPE NORTH 81°40'02" WEST, 1657.14 FEET TO THE ACTUAL POINT OF BEGINNING (APOB) OF THIS DESCRIPTION.

THENCE SOUTH 21°50'49" EAST, 9.00 FEET TO A POINT FOR CONVENIENCE HEREIN BELOW DESIGNATED AS POINT "A";

THENCE SOUTH 21°50'49" EAST, 76.00 FEET TO A POINT FOR CONVENIENCE HEREIN BELOW DESIGNATED AS POINT "B";

THENCE SOUTH 21°50'49" EAST, 9.00 FEET TO THE SOUTHERLY TERMINUS OF THIS DESCRIPTION.

CONTAINING AN AREA OF LAND OF 1,410 SQUARE FEET, MORE OR LESS.

EXHIBIT "A"

THE LOWER VERTICAL LIMITS OF SAID EASEMENT AREA BETWEEN POINT "A" AND POINT "B" SHALL NOT BE LESS THEN AN ELEVATION OF 360.83 FEET ABOVE DATUM.

SAID ELEVATION(S) DESCRIBED HEREIN ARE IN TERMS OF NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29) AS ESTABLISHED BY THE NATIONAL GEODETIC SURVEY AS OF THE DATE OF THIS INSTRUMENT AND IS BASED UPON BENCHMARK NO. V-1257. TO REACH THE STATION: 5.05 MILES EAST ALONG INTERSTATE HIGHWAY 580 FROM THE JUNCTION OF FOOTHILL ROAD AT DUBLIN, 5.65 MILES WEST OF LIVERMORE, 0.35 MILE EAST OF THE JUNCTION OF EL CHARRO ROAD, 42 FEET SOUTH OF THE SOUTH MOST CENTERLINE OF THE EAST BOUND HIGHWAY LANES, 83 FEET EAST OF LIGHT POLE D9382, IN THE TOP OF THE SOUTHWEST CORNER OF A 3 BY 4 FOOT CONCRETE BASIN WITH A METAL GRATE, 3.2 FEET NORTH OF THE SOUTH RIGHT-OF-WAY FENCE, 0.3 FOOT NORTHWEST OF THE SOUTHEAST CORNER OF THE CATCH BASIN, AND ABOUT 2 FEET LOWER THAN THE HIGHWAY LANES. SAID BENCHMARK HAVING AN ELEVATION OF 356.46 FEET NGVD 1929 (AS ESTABLISHED BY NGS). DESCRIPTION OF DISK: NATIONAL GEODETIC SURVEY BRASS DISK - STAMPED "V 1257 1974".

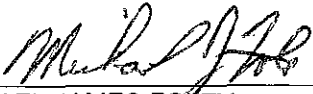
THE BEARINGS USED IN THE ABOVE DESCRIPTION ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1927 (CCS27, ZONE 3). MULTIPLY THE ABOVE DISTANCES BY 1.0000877 TO OBTAIN GROUND LEVEL DISTANCES. THE ABOVE AREA IS GRID MEASURE.

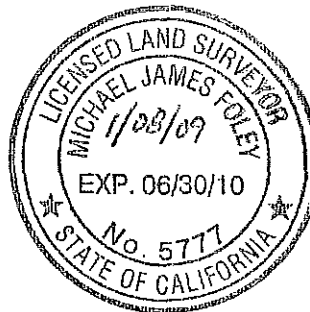
A PLAT OF THE ABOVE DESCRIBED EASEMENT PARCEL OF LAND IS ATTACHED HERETO AS EXHIBIT "A-1" AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION WAS COMPILED ON JULY 24, 2008 FROM RECORD INFORMATION WITHOUT THE BENEFIT OF A CURRENT PRELIMINARY TITLE REPORT.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH CHAPTER 15, ARTICLE 3, SECTION 8726(L) OF THE PROFESSIONAL LAND SURVEYOR'S ACT, AND SHALL NOT BE UTILIZED IN ANY CONVEYANCE WHICH MAY VIOLATE THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA OR LOCAL ORDINANCES.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.


MICHAEL JAMES FOLEY
PROFESSIONAL LAND SURVEYOR
STATE OF CALIFORNIA,
CERTIFICATE NUMBER 5777
LICENSE EXPIRATION: 06/30/2010



SIGNED ON THIS 8th DAY OF JANUARY, 2008

(Seal)

END OF DESCRIPTION

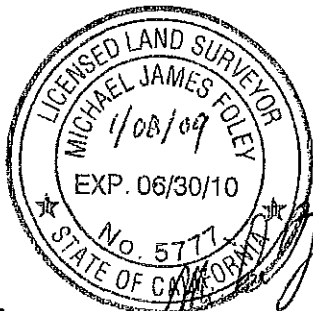
KIER & WRIGHT, Civil Engineers & Surveyors, Inc.
1233 QUARRY LANE, SUITE 145
PLEASANTON, CALIFORNIA 94566
Phone: 925-249-6555

EXHIBIT "A"
PAGE 2 OF 2 PAGES

CITY OF LIVERMORE
95-289283 OR
APN 904-0001-009-02

THE BEARINGS SHOWN ARE BASED
UPON THE CALIFORNIA COORDINATE
SYSTEM OF 1927 (CCS27, ZONE 3).
MULTIPLY THE DISTANCES SHOWN
BY 1.0000877 TO OBTAIN GROUND
LEVEL DISTANCES. THE AREAS
SHOWN ARE GRID MEASURE.

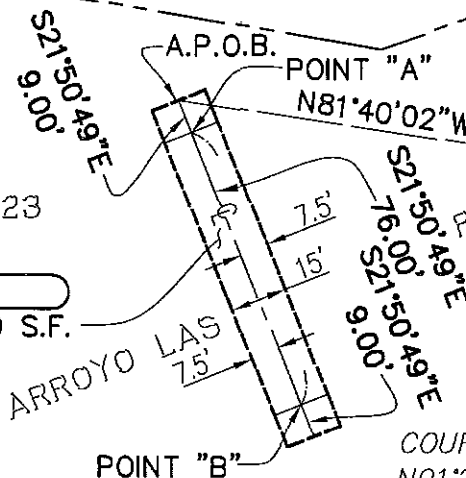
0 25' 50' 100'
Scale 1" = 50' ft



CITY OF LIVERMORE
95-289282 OR
APN 904-0001-009-01

A.C.F.C. & W.C.D.
2004-272275 O.R.
APN 904-0001-003-23

70120
AREA=1,410 S.F.



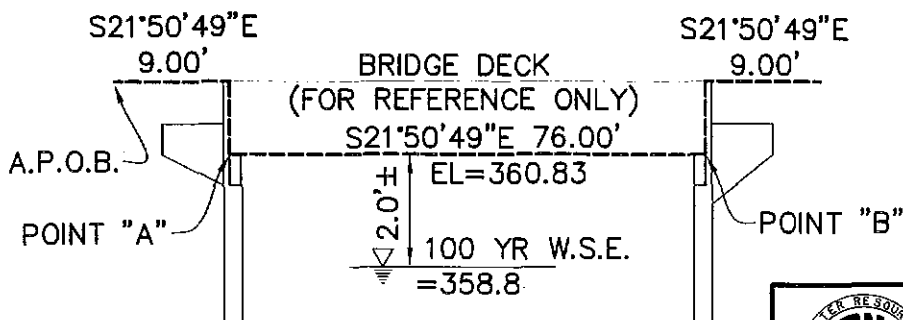
FND 3/4" IP W/
TAG RCE 10879
TAKEN AS REBAR
AND CAP PER R1

COURSE SHOWN AS
N01°28'32"E 169.63'
SHEET 4, PARCEL MAP 6332

FND 3/4" IP W/
TAG RCE 10879
TAKEN AS REBAR
AND CAP PER R1

LEGEND

---	EASEMENT BOUNDARY
CL	CENTERLINE
IP	IRON PIPE
Ø	DIAMETER
W.S.E.	WATER SURFACE ELEVATION



CENTERLINE SECTION
N.T.S.

EXHIBIT A-1

REFERENCES

- R1 PARCEL MAP 6332, BK. 213 MAPS PG. 6-9
- R2 R/S 667, BK. 12 MAPS PG. 17-18
- R3 MAP: E-4489-2 (ROADS)
- R4 MAP: RC-137 (FLOOD)



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
1233 Quarry Lane, suite 145 (925) 249-6555
Pleasanton, California 94566 Fax (925) 249-6563

A06717-4



ZONE 7

ALAMEDA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT

ARROYO LAS POSITAS - LINE H
PEDESTRIAN TRAIL BRIDGE EASEMENT AREA
TO BE CONVEYED TO CITY OF LIVERMORE
LIVERMORE-PLEASANTON ARROYO TRAIL CONNECTION

DRAWN:CC	TRACED:	DATE: JULY 25, 2008
CHECKED: MJF		SCALE: 1" = 50'
APVL. REC:	FILE NO.	SHEET NO. OF
APPROVED:	RF-10084	1 1

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Livermore
1052 S. Livermore Avenue
Livermore, CA 94550
Attention: City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN 904-0001-003-23 (portion)

No. 70121

GRANT OF EASEMENT

(Storm Drain)

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, hereinafter designated "Grantor", in consideration of value paid, the adequacy and receipt of which are hereby acknowledged, hereby grants to the **CITY OF LIVERMORE**, a municipal corporation, hereinafter designated "Grantee", its successors and assigns, the perpetual Easement to construct, reconstruct, replace, use, inspect, maintain, repair, operate or remove a Storm Drain, including any and all appurtenances thereto, over, and across all that certain real property in the City of Livermore, County of Alameda, State of California, described in attached Exhibit "A" and depicted in Exhibit "A-1," attached hereto and incorporated herein by reference ("Easement Area").

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

1. The construction, operation, maintenance, repair and replacement of the Storm Drain, and appurtenances thereto, upon the aforesaid Easement Area shall be the sole responsibility of Grantee.
2. Prior to installation of the Storm Drain and any appurtenances, Grantee shall submit plans and specifications to Grantor for review. The Storm Drain shall not be installed by Grantee without first obtaining written approval from Grantor. Written approval shall not be unreasonably withheld and said approval shall be given unless Grantor, in its sole discretion, determines that the Storm Drain would interfere with the primary use of the Easement Area for flood control purposes.
3. 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 property. The granting of such access rights shall be contingent upon Grantee not interfering with the primary use of the property for flood control purposes. Grantee shall obtain an encroachment permit from Grantor prior to making any major additions or modifications or reconstruction of said Storm Drain or its appurtenances upon the property of Grantor. Grantor shall issue said permit within three (3) working days, if possible, at no cost to Grantee.

4. Grantee agrees that upon the completion of any of its work within Grantor's property, to restore the surface of the ground to the condition in which it was prior to the commencement of said work or as acceptable to Grantor. Grantee shall, at Grantee's sole cost, promptly repair any damage to Grantor's real and personal property, arising out of or in connection with Grantee's construction, operation, maintenance, replacement, repair or removal of said Storm Drain and appurtenances.
5. Grantor reserves the right to convey easement rights to others so long as such easement(s) do not conflict or interfere with Grantee's Easement rights herein conveyed, but prior to making such a conveyance, Grantor will provide written notice to Grantee.
6. Should Grantee, its successors or assigns, at any time abandon the use of said Easement or any part thereof or fail at any time to use the same for the purposes granted herein for a continuous period of one (1) year, all rights hereby granted shall revert to Grantor. If requested by Grantor, upon termination of the rights and privileges hereby granted, Grantee at its own cost and expense, agrees to restore said property, nearly as practicable, to the same state and condition in which it existed prior to Grantee's construction upon said property, and Grantee or Grantee's successors or assigns shall provide, at no cost to Grantor, a quitclaim deed to all or any part of said Easement Area which reverts to Grantor under the above-stated conditions.
7. The Grant of Easement is subject and subordinate to the prior and continuing right of Grantor, its successors and assigns, to use all of the hereinabove described real property, for the purposes of construction, reconstruction, maintenance and use of existing and future flood control channels, maintenance roads, appurtenances and future uses as determined by Grantor, insofar as said uses do not interfere with Grantee's structure or use of the described Easement.
8. GRANTOR, and its respective officers, employees and agents, shall be free from any and all liabilities and claims for loss or damages, for or by reason of any injury or injuries to any person(s) or property of any kind whatsoever, whether the person or property of GRANTOR, its agents or employees, or third persons, from any cause(s) whatsoever occasioned by use of said real property by GRANTEE or any activity carried on by GRANTEE in connection therewith. GRANTEE hereby covenants and agrees to defend, indemnify and to save harmless the Grantor, its board, officers, employees and agents from and against any and all liabilities, claims, damages, expenses (including reasonable attorney's fees) and costs incurred in the defense thereof, asserted against any indemnities as a result of or in connection with the construction, operation and maintenance of the Improvements or GRANTEE's exercise of its rights granted under the terms of this Grant of Easement, except for GRANTOR'S negligent or willful conduct.
9. Any notice which Grantor or Grantee are required to provide related to this Easement shall be given in writing and may be personally served, sent by overnight courier delivery, or deposited in the United State Mail as certified mail, return receipt requested, postage prepaid, addressed to the other party at the following address:

Grantor: Zone 7
Alameda County Flood Control and Water Conservation District
100 N. Canyons Parkway

Livermore, CA 94551
925 454-5020

Grantee: City of Livermore
1052 S. Livermore Avenue
Livermore, CA 94550
925 960-4500
Attention: City Engineer

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

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____, adopted _____, 2010, a certified copy of which is attached hereto and made a part hereof.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

By: _____

Alice Lai-Bitker, President
The Board of Supervisors
Alameda County Flood Control and
Water Conservation District

Line H
Map: RF 10085

State of California
County of Alameda

On _____ before me, _____,
a Notary Public, personally appeared Alice Lai-Bitker, who proved to me on the basis of
satisfactory evidence to be the person whose name is subscribed to the within instrument and she
acknowledged to me that she executed the same in her authorized capacity, and that by her
signature on the instrument the person, or the entity upon behalf of which the person acted,
executed the instrument.

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

WITNESS my hand and official seal.

Signature _____ (Seal)

Name (typed or printed), Notary Public in
and for said County and State.

EXHIBIT "A"

DESCRIPTION FOR ALAMEDA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

ARROYO LAS POSITAS – LINE H

STORM DRAIN EASEMENT AREA TO BE CONVEYED TO THE CITY OF LIVERMORE,
A MUNICIPAL CORPORATION

FOR LIVERMORE TO PLEASANTON ARROYO TRAIL CONNECTION

Map: RF - 10085
APN: 904-0001-003-23 (Por.)

No. 70121
Sept. 18, 2008

A STRIP OF LAND SITUATE IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THE GRANT DEED FROM THE COUNTY OF ALAMEDA, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, A BODY CORPORATE AND POLITIC (A.C.F.C. & W.C.D.), RECORDED ON JUNE 17, 2004 AS RECORDER'S INSTRUMENT SERIES NO. 2004272275, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA, FURTHER DESCRIBED AS FOLLOWS;

A STRIP OF LAND OF THE UNIFORM WIDTH OF 10.00 FEET, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING (P.O.C.) AT THE WESTERLY TERMINUS OF THAT CERTAIN COURSE IN THE GENERAL SOUTHERLY LINE OF SAID A.C.F.C. & W.C.D DEED, DESCRIBED AS "SOUTH 89°35'05" WEST, 236.34 FEET"; SAID A.C.F.C. & W.C.D. PARCEL AND SAID COURSE ARE SHOWN UPON SHEET 4 OF PARCEL MAP 6332 FILED FEBRUARY 24, 1994, IN BOOK 213 OF MAPS AT PAGES 6-9, OFFICIAL RECORDS OF ALAMEDA COUNTY (SAID A.C.F.C. & W.C.D PARCEL BEING THE SAME AS "ALAMEDA COUNTY SERIES NO. 93-408018" SHOWN THEREON);

THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF A 707.43 FOOT RADIUS CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THROUGH A CENTRAL ANGLE OF 20°13'38", AN ARC DISTANCE OF 249.75 FEET TO THE ACTUAL POINT OF BEGINNING (A.P.O.B.) FOR THIS CENTERLINE DESCRIPTION, FROM WHICH POINT THE CENTER OF SAID CURVE BEARS SOUTH 24°38'34" EAST;

THENCE LEAVING SAID ARC AND SAID GENERAL SOUTHERLY LINE, NORTH 26°13'30" WEST, 15.00 FEET TO THE NORTHERLY TERMINUS OF THIS STRIP DESCRIPTION.

THE SIDE LINES OF THIS DESCRIBED EASEMENT AREA TO BE EXTENDED OR SHORTENED TO TERMINATE AT THE AFORESAID GENERAL SOUTHERLY LINE OF SAID A.C.F.C. & W.C.D PARCEL ON THE SOUTH.

CONTAINING AN AREA OF LAND OF 150 SQUARE FEET, MORE OR LESS.

EXHIBIT "A"

THE BEARINGS USED IN THE ABOVE DESCRIPTION ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1927 (CCS27, ZONE 3). MULTIPLY THE ABOVE DISTANCES BY 1.00009895 TO OBTAIN GROUND LEVEL DISTANCES. THE ABOVE AREA IS GRID MEASURE.

A PLAT OF THE ABOVE DESCRIBED EASEMENT PARCEL OF LAND IS ATTACHED HERETO AS EXHIBIT "A-1" SHEETS 1 AND 2 OF 2 AND BY THIS REFERENCE MADE A PART HEREOF.

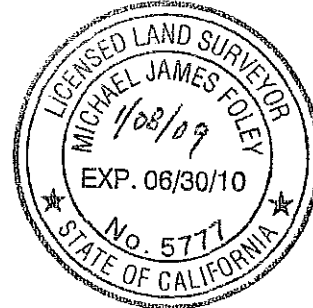
THIS DESCRIPTION WAS COMPILED ON SEPTEMBER 18, 2008 FROM RECORD INFORMATION WITHOUT THE BENEFIT OF A CURRENT PRELIMINARY TITLE REPORT.

THIS EASEMENT AREA DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH CHAPTER 15, ARTICLE 3, SECTION 8726(L) OF THE PROFESSIONAL LAND SURVEYOR'S ACT, AND SHALL NOT BE UTILIZED IN ANY CONVEYANCE WHICH MAY VIOLATE THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA OR LOCAL ORDINANCES.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.



MICHAEL JAMES FOLEY
PROFESSIONAL LAND SURVEYOR
STATE OF CALIFORNIA,
CERTIFICATE NUMBER 5777
LICENSE EXPIRATION: 06/30/2010



SIGNED ON THIS 8th DAY OF JANUARY, 2009

(Seal)

END OF DESCRIPTION

KIER & WRIGHT, Civil Engineers & Surveyors, Inc.
1233 QUARRY LANE, SUITE 145
PLEASANTON, CALIFORNIA 94566
Phone: 925-249-6555

EXHIBIT "A"
PAGE 2 OF 2 PAGES

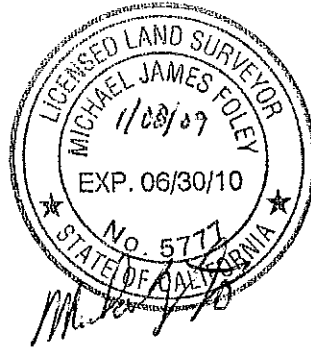
COURSE DESCRIBED AS
"SOUTH 85°35'05" WEST, 236.34 FEET"
2004-272275 O.R.

A.C.F.C. & W.C.D.
2004-272275 O.R.
APN 904-0001-003-23

T.I.E.
R=707.43' L=249.75'
L=450.61'
(L=450.65')

SEE DETAIL
ON SHEET 2

CITY OF LIVERMORE
95-212891 O.R.
APN 904-0001-010
PARCEL 2
PM 6332
213 M 6-9



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

THE BEARINGS SHOWN ARE BASED UPON
THE CALIFORNIA COORDINATE SYSTEM
OF 1927 (CCS27, ZONE 3). MULTIPLY
THE DISTANCES SHOWN BY 1.00009895
TO OBTAIN GROUND LEVEL DISTANCES.
THE AREAS SHOWN ARE GRID MEASURE.

REFERENCES

- R1 GRANT DEED, 2004-272275 O.R.
- R2 PM 6332, BK. 213 MAPS PG. 6-9
- R3 R/S 667, BK. 12 MAPS PG. 17-18
- R4 MAP: E-4489-2 (ROADS)
- R5 MAP: E-4489-1
- R6 MAP: RC-137 (FLOOD)

LEGEND

⊕
(707.50')

EASEMENT BOUNDARY
CENTERLINE
RECORD GROUND DISTANCES
PER R1

A.C.F.C. & W.C.D. ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
APN ASSESSOR'S PARCEL NUMBER
A.P.O.B. ACTUAL POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
PM PARCEL MAP
M MAPS

EXHIBIT A-1



ZONE 7

ALAMEDA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT

ARROYO LAS POSITAS - LINE H
STORM DRAIN EASEMENT AREA
TO BE CONVEYED TO CITY OF LIVERMORE
LIVERMORE-PLEASANTON ARROYO TRAIL CONNECTION

DRAWN:CC	TRACED:	DATE: SEPT. 18, 2008		
CHECKED: MJF		SCALE: 1" = 80'		
APVL. REC:		FILE NO.	SHEET NO.	OF
APPROVED:		RF-10085	1	2



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
1233 Quarry Lane, Suite 145 (925) 249-6555
Pleasanton, California 94566 Fax (925) 249-6563

A06717-4

LEGEND

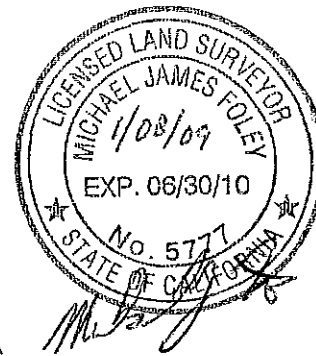
⊙
(707.50')

EASEMENT BOUNDARY
CENTERLINE
RECORD GROUND DISTANCES
PER R1

A.C.F.C. & W.C.D. ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
APN ASSESSOR'S PARCEL NUMBER
A.P.O.B. ACTUAL POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
PM PARCEL MAP
M MAPS

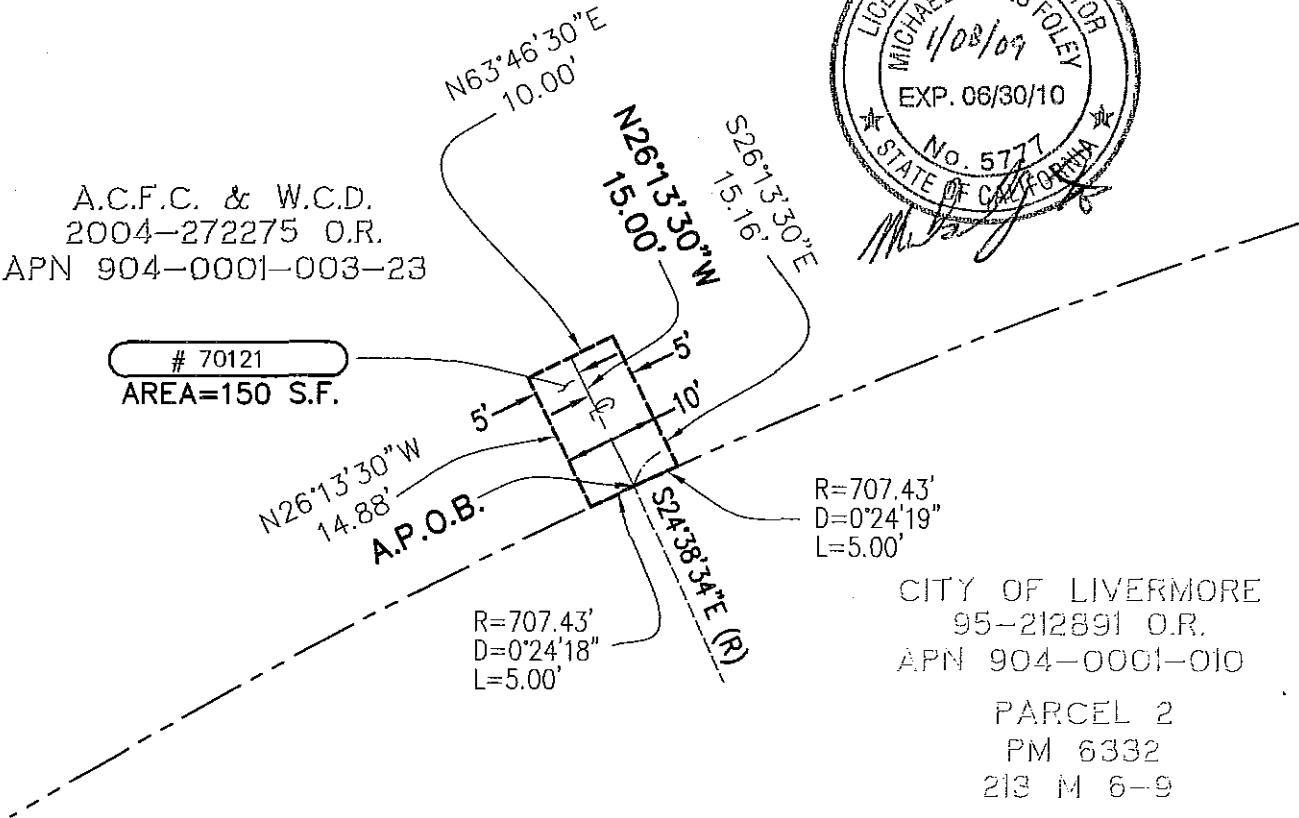


0 10' 20' 40'
Scale 1" = 20 ft



A.C.F.C. & W.C.D.
2004-272275 O.R.
APN 904-0001-003-23

70121
AREA=150 S.F.



CITY OF LIVERMORE
95-212891 O.R.
APN 904-0001-010
PARCEL 2
PM 6332
213 M 6-9

THE BEARINGS SHOWN ARE BASED UPON THE
CALIFORNIA COORDINATE SYSTEM OF 1927 (CCS27,
ZONE 3). MULTIPLY THE DISTANCES SHOWN BY
1.00009895 TO OBTAIN GROUND LEVEL DISTANCES.
THE AREAS SHOWN ARE GRID MEASURE.

REFERENCES

- R1 GRANT DEED, 2004-272275 O.R.
- R2 PM 6332, BK. 213 MAPS PG. 6-9
- R3 R/S 667, BK. 12 MAPS PG. 17-18
- R4 MAP: E-4489-2 (ROADS)
- R5 MAP: E-4489-1
- R6 MAP: RC-137 (FLOOD)



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
1233 Quarry Lane, suite 145 (925) 249-6555
Pleasanton, California 94566 Fax (925) 249-6563

A06717-4

EXHIBIT A-1



ZONE 7

ALAMEDA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT

ARROYO LAS POSITAS - LINE H
STORM DRAIN EASEMENT AREA
TO BE CONVEYED TO CITY OF LIVERMORE
LIVERMORE-PLEASANTON ARROYO TRAIL CONNECTION

DRAWN:CC	TRACED:	DATE: SEPT. 18, 2008	
CHECKED: MJF		SCALE: 1" = 20'	
APVL. REC:		FILE NO.	SHEET NO. OF
APPROVED:		RF-10085	2 2

ORIGINATING SECTION: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: PROCESS FOR NAMING GENERAL COUNSEL FOR ZONE 7

SUMMARY:

On October 21, 2009, the Board received a copy of the results of Phase One and Phase Two of the Classification and Staffing Review Study. The findings and recommendations of this report relate to staffing levels and advise the General Manager on positions that, should they become vacant through attrition, are best left vacant as part of the Soft Hiring Freeze. One of these identified or targeted positions was that of in-house General Counsel. On March 22, 2010, the position of General Counsel became vacant. Based on the Study, the General Manager has decided not to fill that position at this time.

Since there will be no in-house, full-time General Counsel appointed at this time, President Dick Quigley selected an Ad Hoc Committee made up of himself, Vice President John Greci and Director Chris Moore to consider next steps for General Counsel-type legal representation of the Agency. Generally, the Ad Hoc Committee recommends identifying outside legal counsel to provide part-time services particularly having to do with board policy matters and maintaining Brown Act compliance during meetings. Specialty legal needs and services would continue to be identified, contracted and managed by staff. Having outside contract General Counsel provides several potential advantages to hiring a replacement in-house attorney. First of all, lines of communication and responsibilities can be clarified. Second of all, most law firms have the potential to supply alternates, should one be needed (due to vacations, etc.). Third of all, termination conditions would be contract-based.

The attached Resolution would allow the Committee to work with staff to identify possible alternatives that meet this philosophical approach.

FINANCIAL:

Funds are available from Fund 52-Water Enterprise.

RECOMMEND ACTION:

Adopt attached resolution.

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

WHEREAS, on October 21, 2009, the Board received a copy of the results of Phase One and Phase Two of the Classification and Staffing Review Study; and

WHEREAS, the position of General Counsel has now become vacant; and

WHEREAS, because the Study recommends that the position of General Counsel should remain vacant as part of the Soft Hiring Freeze, the General Manager has decided not to fill that position; and

WHEREAS, the Agency still has need of limited, part-time legal services normally provided by in-house General Counsel;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control & Water Conservation District does hereby authorize a process to identify part-time, contract General Counsel that would report to the Agency as represented by its full Board of Directors; and

BE IT FURTHER RESOLVED that the Ad Hoc Legal Committee and staff be authorized to work together to identify a short list of alternatives to be considered by the full board at a future meeting.

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 21, 2010

By: _____
President, Board of Directors

ORIGINATING SECTION: WATER SUPPLY ENGINEERING
CONTACT: RHETT ALZONA/JARNAIL CHAHAL

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: Execution of a Services Contract with California Rangeland Trust
for Land Management of the Walker Property Conservation Easement

SUMMARY:

- Environmental Impact Reports (EIRs) were prepared for the Altamont Water Treatment Plant and Pipeline Project as required by the California Environmental Quality Act (CEQA).
- As part of the permitting requirements developed from the EIRs, a Biological Assessment of the project sites was prepared in which endangered species were found to be impacted.
- US Fish and Wildlife Service (USFWS) prepared a Biological Opinion (BO) in response to the Biological Assessment of the endangered species and the California Department of Fish and Game issued a consistency determination with the BO under the California Endangered Species Act.
- The major finding of the BO is that Zone 7 was required to mitigate impacts on the endangered species by obtaining a Conservation Easement (CE) and funding a Habitat Management Plan (HMP) for a 120-acre portion of the Walker property through an endowment.
- Zone 7 has completed the process of obtaining a CE from the property owner and has prepared a preliminary HMP to determine the endowment funding for perpetual land management of the CE.
- California Rangeland Trust (CRT) was mutually selected by the environmental agencies, Zone 7 and underlying property owner of the CE (Walker) as the preferred CE land manager.
- Zone 7 desires to enter into a services agreement with CRT to review the HMP, to establish the final endowment funding to manage the HMP in perpetuity, and to take over land management of the CE.
- These steps are necessary in order to comply with the BO and the consistency determination which require Zone 7 to transfer the CE to a qualified third party and to establish an endowment to manage the CE for the benefit of affected species in perpetuity.
- Zone 7 has negotiated such a services agreement with CRT in the amount of \$83,800.

FUNDING:

This contract will be funded from Fund 73 – Expansion, and funds are available in the Fiscal Year 2009/2010 budget.

RECOMMENDED ACTION:

Adopt the attached resolution authorizing the General Manager to execute a services contract with California Rangeland Trust for a total not-to-exceed amount of \$83,800, and to issue contract amendments as and when required for an amount not-to-exceed \$8,000 (approximately 10% of contract amount).

ATTACHMENTS:

1. Memo providing additional background and discussion of agenda item
2. Map of Walker Conservation Easement
3. Zone 7 Board Resolution

Interoffice Memo

Date: April 21, 2010
To: Jill Duerig, General Manager
From: Rhett Alzona, Associate Engineer, Water Supply Engineering
Subject: Execution of a Services Contract with California Rangeland Trust for Land Management of the Walker Property Conservation Easement.

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

BACKGROUND:

Environmental Impact Reports (EIRs) were prepared for the Altamont Water Treatment Plant (AWTP) and Altamont Pipeline Project (APL). The proposed projects were determined to affect jurisdictional waters of the United States as defined by the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA). Because the placement of dredged or fill materials into the waters of the United States is regulated under authority of the CWA, Zone 7 must obtain a Section 404 permit from USACE. In order to issue this permit, USACE must consult with the US Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act (ESA). In addition, some of the species affected by the AWTP and APL are listed under state law and thus Zone 7 has to obtain approval from the California Department of Fish and Game (CDFG) as well.

A Biological Assessment (BA) was prepared to support USACE's consultation with USFWS. This BA documents the effects that the Altamont projects may have on any threatened, endangered, candidate, or proposed threatened or endangered species and their critical habitat. After the formal consultation, USFWS prepared a Biological Opinion (BO) that identified affected species and required project mitigation measures. The BO stated that federally endangered San Joaquin kit fox, threatened California red-legged frog and its critical habitat, threatened California tiger salamander, and various threatened and endangered shrimp may be affected by the Altamont Projects. In addition to biological monitoring measures and environmental protection best management practices during project construction, a major requirement was to acquire and provide the means to maintain a conservation easement (CE) on approximately 120 acres containing habitat for the affected species. A CE creates a legally enforceable land preservation agreement between a landowner and a government agency or a qualified land protection organization, for the purposes of conservation. It restricts real estate development, commercial and industrial uses, and certain other activities on a property to a mutually agreed upon level. CDFG concurred with the findings of the USFWS in the BO.

A portion of the Walker Property, north of I-580 and west of Dyer Road in the Livermore area, was designated as a CE that would support comparable species and habitat as those affected by the Altamont Projects.

DISCUSSION:

In 2008, Zone 7 purchased the 120-acre Walker Property CE for \$431,000. As part of the requirements of the BO and the consistency determination, Zone 7 needed to prepare a preliminary Habitat Management Plan (HMP). The HMP is to be used to establish a basis for an endowment that would fund the initial enhancements to and monitoring and maintenance activities of the CE in perpetuity. The preliminary HMP and endowment funding was developed with USFWS and the California Department of Fish and Game (CDFG) and the landowner but will not be formally approved until all parties (Walker – Landowner, USFWS, CDFG, endowment manager and CE holder/land manager) agree with the terms. Based on the preliminary HMP, an endowment to fund enhancements to and monitor and maintain the CE was established at a cost of approximately \$1.2 million.

With the preliminary HMP and endowment amount established, the next step was to find a suitable CE land manager. California Rangeland Trust (CRT) not only has the experience as a CE land manager but as a third party endowment holder. In fact, CRT is certified by both USFWS and CDFG to hold both conservation easements and endowments. Moreover, CRT is acceptable to the Walker family who still own the underlying

property of the CE and adjacent land. Zone 7 staff has met with CRT to review the preliminary HMP and endowment funding. From these discussions, CRT understands Zone 7's requirements under the BO/consistency determination, and they are in general agreement with the HMP and endowment funding. However, CRT has not performed a site reconnaissance yet which could result in minor modifications.

At this time, a services agreement with CRT is needed to cover CRT efforts and cost to finalize the HMP, take over the CE and the endowment. The services agreement includes the following components and these are not to exceed costs:

1. Project Consultants – Covers the site reconnaissance work and meetings to finalize the HMP, \$11,700.
2. Legal Review - Covers legal review for the endowment funding and conservation easement title transfer, \$3,900.
3. Phase I Site Assessment - Covers the environmental review of the site for potential or existing contaminated area liabilities needed before real estate title transfer, \$6,500.
4. Closing Costs – Covers closing costs for due diligence tasks associated with transferring the easement and endowment to CRT, \$9,750.
5. Miscellaneous Indirect Costs, covers unexpected costs, \$1,950.
6. Easement Protection Fund - Covers CRT legal defense of the easement if it were ever challenged by current and future land owners, or third party violations, \$10,000.
7. CRT Program Support – Covers CRT administrative costs, \$40,000.

The total not to exceed amount of the services agreement with CRT is \$83,800. Items 6 and 7 above, are one time lump sum costs in which CRT will assume responsibility and accountability for the easement. The other line items will be based on time and materials to transfer the endowment and conservation easement title to CRT. Staff recommends authorizing the General Manager to execute the services agreement for a not to exceed cost of \$83,800 and to authorize the execution of contract amendments up to a maximum of \$8,000 (approximately 10% of the contract amount), if needed. This services agreement cost and the approximate \$1.2 million endowment funding were anticipated and planned for in the Fund 73 CIP analysis.

ORIGINATING SECTIONS: WATER SUPPLY ENGINEERING
CONTACT: ATHENA WATSON/JARNAIL CHAHAL

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: Amendment No. 5 to Contract with Meyers, Nave, Riback, Silver & Wilson to Provide Legal Services for Property Acquisition for the Chain of Lakes Well Nos.1 and 2 Project

SUMMARY:

- Zone 7 has an existing contract (A08-34-MEY) with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”) to provide legal services in connection with property acquisition needs for the Chain of Lakes Well Nos. 1 and 2 Project.
- The original contract for \$50,000 was signed August 23, 2007.
- The contract was amended four times for a total of \$270,000 for a not-to-exceed total amount of \$320,000 to include eminent domain and trial services.
- The trial concluded in January 2010 with the jury determining the value of the 2.5 acre portion of the parcel as \$67,500.
- A final amendment for \$50,000 is needed to finalize the property acquisition and closeout documents for a new total, not-to-exceed amount of \$370,000.
- Staff recommends adoption of the attached resolution authorizing the General Manager to negotiate and execute contract Amendment No. 5.

FUNDING:

Funding is budgeted and available in Fund 73 – Expansion (Chain of Lakes Well Nos. 1 & 2 – Facilities & Sitework Project budget).

RECOMMENDED ACTION:

Adopt the attached resolution authorizing the General Manager to negotiate and execute contract Amendment No. 5 with Meyers Nave for \$50,000 for legal services for property acquisition activities for the Chain of Lakes Well Nos. 1 & 2 Project.

ATTACHMENTS:

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

Interoffice Memo

Date: April 21, 2010
To: Jill Duerig, General Manager
From: Athena Watson, Associate Civil Engineer, Water Supply Engineering
Subject: Amendment No. 5 to Contract with Meyers, Nave, Riback, Silver & Wilson
To Provide Legal Services for Property Acquisition for the Chain of Lakes
Well Nos.1 and 2 Project

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

BACKGROUND:

Zone 7's contractors are currently finalizing the construction of the Chain of Lakes Well Nos. 1 and 2 – Facilities and Sitework Project. The two water production wells are expected to produce a combined total of approximately 8 million gallons per day (MGD). The project (formerly referred to as the Gravel Pits Wells in previous right-of-way documents) requires the acquisition of property in fee title for Well No. 1 and for a pipeline and access easement for Well Nos. 1 and 2.

DISCUSSION:

Zone 7 entered into a contract with Meyers Nave on August 23, 2007 for \$50,000 for legal services in connection with the property acquisition for the needed properties. The original scope did not include eminent domain or trial services. After starting the eminent domain process, but settling prior to trial, a pipeline and access easement was purchased from Pleasanton Gravel Company. A jury trial was held for the eminent domain proceedings for acquisition of property in fee title needed for Chain of Lakes Well No. 1. The trial concluded in January 2010 with the jury determining the value of the 2.5 acre portion of the parcel as \$67,500. Legal services are still ongoing to finalize and process all documentation. This contract will be closed upon completion of the closeout documents for the case. The contract was amended four times to include eminent domain proceedings and trial services. The following table shows the timeline for the contract amendments:

<u>Action</u>	<u>Date</u>	<u>Amount</u>	<u>Total Contract Amount</u>
Original Contract	8-23-07	\$50,000	\$50,000
Amendment 1	3-18-09	\$100,000	\$150,000
Amendment 2	6-17-09	\$100,000	\$250,000
Amendment 3	11-18-09	\$30,000	\$280,000
Amendment 4	2-3-10	\$40,000	\$320,000
Proposed Amendment 5	4-21-10	\$50,000	\$370,000

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO

INTRODUCED BY
SECONDED BY

BE IT RESOLVED that the Zone 7 board of Directors of Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute Amendment No. 5 to Contract No. A08-34-MEY, with Meyers, Nave, Riback, Silver & Wilson increasing the contract amount by \$50,000 for a total not-to-exceed contract amount of \$370,000 for additional legal services for the Chain of Lakes Well Nos. 1 & 2 Project.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

April 21, 2010

By _____
President, Board of Directors

ORIGINATING SECTION: HUMAN RESOURCES
CONTACT PERSON: TOM HUGHES / GINGER STATON

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: New Employee Introduction

SUMMARY:

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

Joe Shaver, Construction Maintenance Laborer

Joe Shaver joined Zone 7 on Monday, March 22, 2010 as a Construction Maintenance Laborer in the Maintenance Section. Joe is located at the Del Valle Water Treatment Plant reporting to Barry Ivy and Gerald DeWitt. Joe comes to Zone 7 with over 30 years of experience in hauling, underground utilities, and construction/pipeline maintenance work. Joe previously owned his own company and prior to that worked for Jerry Shaver Trucking.

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

RECOMMENDED ACTION:

Information only.

ORIGINATING SECTION: HUMAN RESOURCES
CONTACT PERSON: TOM HUGHES

AGENDA DATE: April 21, 2010

ITEM NO:

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 2010 according to the established Program Guidelines. The individual chosen out of the submitted nominations is recommended to Management for approval and subsequent announcement to all Agency employees.

Ginger Staton, Human Resources Analyst II, has been chosen from among those nominated as the February 2010 Employee of the Month. Ginger joined Zone 7 in September 2005 and works in the Human Resources and Safety Section at our North Canyons Office. She is a dedicated and hard working employee who displays high levels of professionalism, initiative, and persistence which she applies to her work. She is willing to dive in to solve difficult problems that come along while working with other employees, contractors, or other agencies. She regularly exceeds what others would consider a good job and deals with people in a manner that shows she cares about them.

RECOMMENDED ACTION:

It is recommended that the Zone 7 Board of Directors recognize and congratulate Ginger Staton as February 2010 Employee of the Month.

Originating Section: Human Resources
Contact Person: Tom Pico/Elena Scharnhorst

AGENDA DATE: April 21, 2010

Item No.

SUBJECT: Consideration of Action to Increase the Compensation of Members of the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District

SUMMARY:

- Pursuant to the “Zone 7 Board of Directors’ Compensation and Expense Reimbursement Policy” adopted by the Board on March 15, 2006, a review of the Board’s remuneration is conducted on a biennial basis.
- Attached are the results of the 2010 compensation survey of comparable water agencies’ boards of directors.
- The Board’s current compensation, effective June 21, 2008, is \$159.99 per meeting, with a maximum of four meetings per month.
- The annual Consumer Price Index (CPI) increase for the San Francisco-Oakland-San Jose area for 2008 was 3.1% and 2009 was .7%.
- The mean compensation level of the agencies surveyed is \$166.00. Based on these results, the Board may wish to consider the following options:
 - o Option one: set the compensation for the fiscal years 2010/2011 and 2011/2012 at the mean derived from the current market compensation salary survey (\$166, an increase of 3.76%)
 - o Option two: maintain the compensation at the current \$159.99 per meeting.

FUNDING:

Funds for these costs are available in Fund 50 – General/Flood Control and Fund 52 – Water Enterprise.

RECOMMENDATION:

Discuss and direct staff to either:

- A) Schedule public hearing on May 19, 2010 to adopt Ordinance to increase Board Compensation, or
- B) Consider taking no action; i.e., to adopt no increase for fiscal years 2010/2011 and 2011/2012.

ATTACHMENTS:

Memo providing additional background and discussion.

MEMORANDUM

DATE: March 24, 2010

TO: Jill Duerig, General Manger

FROM: Tom Pico, Human Resources Analyst II
Elena Scharnhorst, Personnel Technician

SUBJECT: Consideration of Action to Increase the Compensation of Members of the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District

SUMMARY:

At the March 15, 2006 Board meeting your Board adopted the "Zone 7 Board of Directors' Compensation and Expense Reimbursement Policy" which provides for a review of the Board's remuneration on a biennial basis. Attached are the results of the 2010 compensation survey of comparable water agency's board of directors. The Board's current compensation, effective June 21, 2008, is \$159.99 per meeting, with a maximum of four meetings per month.

The annual Consumer Price Index (CPI) increase for the Oakland-San Francisco-San Jose area for 2008 was 3.1% and for 2009 was .7%. The mean compensation level of the agencies surveyed is \$166.00. Based on these results, the Board may wish to consider the following options.

One option is to set the compensation for fiscal years 2010/2011 and 2011/2012 at the mean derived from the current market compensation survey (\$166.00, an increase of 3.75%). Another option the Board may consider is to maintain the current level of compensation at \$159.99 per meeting.

BACKGROUND:

Water Code Section 20200 et seq. governs compensation levels for Zone 7 Board Members. The statute provides the directors can be paid \$100.00 per day of service rendered. If the Board members already make \$100.00 per day, the amount can be increased by an amount not to exceed 5% for each year following the last adjustment. The last adjustment took effect June 21, 2008, increasing the compensation by 3.9% to \$159.99 per day of service rendered.

Based on the adoption of the Board's policy of reviewing the remuneration biannually for the Zone 7 Board, attached is the survey for the year 2010. Based on past practice, the Board has considered the mean of comparable water agencies as the benchmark for the compensation.

The following comparable water agencies were surveyed:

- Alameda County Water District
- Contra Costa Water District
- Dublin San Ramon Services District
- East Bay Municipal Water District

- Marin Municipal Water District
- Santa Clara Valley Water District

The attached Summary of the Compensation and Benefits lists the agency, compensation amount per meeting, maximum number of meetings per month, maximum compensation per month and the group benefits cost (minimum to maximum per month). The Summary also includes the mean for the agencies and a comparison to the compensation and benefits that are provided for the Zone 7 Board of Directors. The pages following the Summary of the Compensation and Benefit survey provide a more in-depth description of the total packages provided and any limitations.

DISCUSSION:

In comparing, the data surveyed for the year 2008 versus the current data the changes were primarily in the cost of group benefits. Three of the agencies also increased their board compensation. East Bay Municipal Utility District (EBMUD) increased their compensation from \$1,057.00 per month to \$1,093.00 per month. EBMUD's board members are paid on a flat monthly basis rather than per meeting. Marin Municipal Water District increased their compensation from \$130.00 to \$145.00 per meeting. Santa Clara Valley Water District increased their compensation from \$236.39 to \$260.03 per meeting. Dublin San Ramon Services District decreased their compensation from \$156.00 to \$150.00 per meeting. The mean for the agencies surveyed is \$166.01 per meeting.

The annual Consumer Price Index (CPI) for the Oakland-San Francisco-San Jose area for 2008 was 3.1% and 2009 was .7%.

The maximum compensation increase allowed under Water Code Section 20200 is 5% per year. The mean of the agencies surveyed is \$166.01. Based on these results, the Board may consider setting the compensation at the mean for fiscal year 2010/2011 and 2011/2012, to \$166.00 per meeting.

Under the above scenarios, the total increased cost for the 2-year period for fiscal year 2010/2011 and fiscal year 2011/2012 would be:

- \$4,038.72 to bring the compensation to the mean.
- No cost increase if compensation levels remain as is.

This estimate is based on all seven directors attending four meetings each month of the year.

FUNDING:

Funds for these costs come from Fund 50 – General/Flood Control and Fund 52 – Water Enterprise.

RECOMMENDATION:

Discuss and direct staff to either:

- A) Schedule public hearing on April 21, 2010 to adopt Ordinance to increase Board Compensation, or
- B) Consider taking no action; i.e., to adopt no increase for fiscal years 2010/2011 and 2011/2012.

ORIGINATING SECTION: Administration
CONTACT: Jill Duerig/Tim Hunt

AGENDA DATE: April 21, 2010.

ITEM NO.

SUBJECT: Co-Sponsorship of AB 2336

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.
- The Gualco Group has approached Zone 7 staff and asked if Zone 7 would like to co-sponsor AB 2336. It was introduced at the request of Modesto Irrigation District. Kern, MWD and Delta-San Luis water agencies are co-sponsors.
- AB 2336 was introduced on February 19 and amended on April 13 to require the Delta Stewardship Council to direct the Delta Independent Science Board to undertake a scientific, peer-reviewed study of other stressors affecting the Delta ecosystem. The amendments greatly broaden the original focus on predation by striped bass. The changes were worked out in consultation with the committee chair, Jared Huffman, who opposed moving the bill forward with its focus on non-native striped bass. The amendments strengthen the bill. The science-based outcome is a critical step to furthering understanding of the many stressors affecting the Delta ecosystem.
- Other stressors are having a significant negative impact on native species within the Delta, many of which are threatened or otherwise listed under either the federal or California Endangered Species Acts. Staff strongly urges support of this bill as amended which can be accomplished by having Zone 7 co-sponsor the bill.
- By co-sponsoring the bill, the Zone could take a strong position to support addressing known stressors to the Delta's ecosystem rather than assuming that pumping is the sole stressor, resulting in potential additional pumping reductions.

FUNDING: No funding necessary.

RECOMMENDED ACTION: Discuss and provide direction to staff.

ORIGINATING SECTION: ENGINEERING

CONTACT: Carol Mahoney/Kurt Arends

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: Pilot Grant Program: Arroyo De La Laguna Design Grant Request
From Local Landowners

SUMMARY:

- Zone 7's Stream Management Master Plan (SMMP) identifies the lower reach of the Arroyo de la Laguna (ADLL) as regionally important to the flood protection goals of the entire Valley.
- The SMMP identified project R.10-4, which includes bed/bank stabilization, restoration/rehabilitation through bio-engineering methods, and other habitat enhancements within the subject reach. Per April 2010 ENR (SF Bay: 9730), the approximate cost of these elements is estimated at \$4.02 million dollars.
- Management and Staff at Zone 7 propose that the Board consider a pilot grant program to assess whether public/private partnerships could be a successful means to implement SMMP projects on privately owned stream reaches within our jurisdiction.
- Staff proposes that the grant program meet certain minimum criteria to be further refined through this pilot program, such as:
 - Grantee must provide a 25% match for the requested grant funds
 - Grant funds may be provided to non-governmental organizations, non-profits, home owners associations or similar groups assisting private landowners.
- In April 2009, Zone 7 partnered with Urban Creeks Council (UCC), a non-profit organization, to provide outreach/education to ADLL landowners from Castlewood Drive to the Highway 84 bridge in Sunol through the Streamside Management Program for Landowners. UCC administers this program, in part, by a federal grant from the U.S. EPA.
- The private landowners, including Castlewood Country Club, from Castlewood Drive to Verona Bridge have formed a neighborhood coalition, Friends of Verona Reach (FrVR) to address concerns of overall stream health and significant bank erosion.
- Per the attached letter (Exhibit A), FrVR is requesting a grant in the amount of \$100,000 to facilitate a stream design to be coordinated with the Zone 7's SMMP goals. FrVR proposes that UCC administer the grant funds, in concert with UCC's EPA match of \$50,000 to perform the necessary work to provide 30% design drawings and specifications.
- This design would then be used to seek future, joint funding for construction.

FUNDING:

The \$100,000 funding for this pilot grant is being funded through Fund 50 – Flood Protection.

RECOMMENDED ACTION:

Adopt the attached resolution granting funds and authorizing the General Manager to enter into an agreement with UCC, on behalf of the Friends of Verona Reach for the initiation of the stream design.

ATTACHMENTS:

- Memo Providing Additional Background and Discussion of Agenda Item
- Draft Scope of Work and Cost Estimate
- Board Resolution

Interoffice Memo

Date: April 21, 2010
To: Jill Duerig, General Manager
From: Carol Mahoney, Associate Professional Geologist
Subject: Pilot Grant Program: Arroyo De La Laguna Design Grant Request from Local Landowners

BACKGROUND:

The Alameda Creek Watershed covers an area of approximately 700 miles, the northern most extent of which includes the streams of the Livermore-Amador Valley. The stream system in our Valley flows roughly from east to west, with all streams acting as tributaries to the Arroyo de la Laguna (ADLL). The ADLL flows south and exits the Valley near Sunol, where it becomes a tributary to Alameda Creek. The arroyos in our Valley act as environmental and flood protection corridors, as well as providing groundwater recharge and other beneficial uses.

In spring 2009, Zone 7 initiated a partnership with Urban Creeks Council (UCC), to begin a landowner education program along lower Arroyo de la Laguna in conjunction with UCC's Streamside Management Program for Landowners (SMPL) and in accordance with Zone 7's Stream Management Master Plan (SMMP). UCC was selected to initiate the education program because of their location within Alameda County and their similar work in Contra Costa and Marin counties. The methods employed by UCC in other counties meet the goals of the SMMP and they provide assistance to private landowners that can not be provided by Zone 7 Staff.

Many areas identified in the SMMP as important to the overall health of the Upper Alameda Creek Watershed and to flood protection in the Valley are owned privately, and therefore are difficult for Zone 7 to conduct improvements without costly land acquisition. In exploring other alternatives to provide cost effective flood protection for the Valley, Zone 7 Staff have been researching the methodology of other agencies and government organizations. Similar grant programs using Public/Private Partnerships have been utilized in the transportation sector, but are now being widely considered for various types of infrastructure improvement projects. Therefore, this grant program is modeled on such examples.

The reach from Castlewood Drive to the Highway 84 bridge in Sunol was selected for the initial education program. For the past year, Zone 7 staff and UCC have been providing information to landowners in the subject reach, performing site visits, and holding landowner workshops. Through this process, a more complete picture of streamside issues has been developed. The landowners along the reach from Castlewood to Verona bridges have concerns about significant slope erosion and loss of property. This erosion is a significant source of sediment in lower ADLL and subsequently Alameda Creek. The downstream portion of the education reach in Sunol (Sunol sub-reach) is more immediately concerned with flooding near Sunol Glen School. This pilot grant program will focus on the Verona sub-reach and emphasize stable channel form, erosion protection, and habitat. The Sunol sub-reach is being assessed separately because the focus of that

reach is different and lies mainly in flooding issues

Staff have been exploring grants and other funding opportunities for project options across the Valley; however, no existing grants have been offered that meet the immediate needs of ADLL. It is anticipated that future grants will occur that could assist the residents of ADLL and Zone 7 in restoring the form and function of the arroyo while maintaining capacity, reducing erosion, improving sediment transport, and enhancing habitat and fisheries potential. Having preliminary designs in this reach, makes the project more competitive in future State and Federal grant rounds and helps to identify the level of CEQA that would be required.

DISCUSSION:

An important first step in seeking future State or Federal grant funds to implement a project is to better define the design needs and construction scope of the work that will be necessary to achieve our goals in this reach. The residents of ADLL have formed a community coalition, Friends of Verona Reach (FrVR) and have provided a letter (Exhibit A) requesting that the Zone 7 Board of Directors provide a planning grant in the sum of \$100,000 to accomplish the following:

- Leverage a match from the U.S. EPA of \$50,000 (administered through UCC)
- Field work for channel analysis
- Reconnaissance assessment of field data
- Conceptual report from assessment
- 30% design drawings and specifications

The EPA matching funds will be used to refine the data in a model and provide design options. Design drawings up to 30% will be provided so that future funding sources, such as grants or federal earmarks may be leveraged to bring the design and specifications to 100% and allow for construction. Continued outreach will be accomplished through the continuance of the SMPL program and is not included in the grant request. Should the Zone 7 Board choose to offer this pilot grant, Staff will assess the success of this pilot grant program for implementing SMMP projects in reaches that are not owned or maintained by Zone 7. This grant also demonstrates Zone 7's willingness to work collaboratively on watershed issues, and provides one avenue for seeking joint funding on stream management issues, like slope stabilization and restoration.

Staff recommends that the grant program carry certain minimum criteria to be evaluated and refined through time as the program is assessed by staff. These criteria include such things as:

1. Grant requests shall be evaluated on a case-by-case basis by Zone 7 Staff. Those requests deemed complete shall be brought for consideration before the Zone 7 Board of Directors.
2. Grantee must own land within Zone 7's jurisdiction and be located on a stretch of stream that has been identified in the SMMP or subsequent flood protection improvement plans as needing improvement or enhancement.
3. Grantee must show nexus with an existing Zone 7 project identified in the SMMP or subsequent flood protection improvement plan.

4. Grant funds must be administered by a non-governmental organization, non-profit, or other similar organization representing the private land owners. The adequacy of such organizations will be evaluated on a case-by-case basis. Grant funds will not be provided directly to private individuals or businesses.
5. Grantee must provide at least a 25% match to the requested grant amount. This match may be provided through in-kind services, direct funding, or other grant sources.
6. Grantee must provide Zone 7 with a detailed scope of work and cost estimate for which the grant funds will be expended.
7. An agreement between the Grantee's representative and Zone 7 shall be entered into in the amount not-to-exceed the requested grant funds. Grantee's representative shall provide detailed invoices to Zone 7 for reimbursement.
8. Grantee must provide Zone 7 with any planning documents, designs, or other products created in conjunction with the grant request. These documents must be provided in both hard copy and electronically. A retainer of 10% may be withheld from payment in the agreement until these items have been provided to Zone 7.
9. Grantee shall provide a timeline for grant implementation and provide a statement of completion.

For this grant request, a scope of work (Exhibit B) and cost estimate (Exhibit C) have been prepared by UCC which include work to be performed to create 30% design drawings and specifications. Updates will be given to the Board regarding the success of the program at key milestones. Staff anticipates that this work will begin in May 2010 and continue for approximately six to nine months. The timeline may be adjusted to consider sedimentation data that may be collected outside of the scope of this grant request, as it is acquired. Staff anticipates bringing an update of the progress to the Board in September/October 2010 and will bring the design options before Board committee as they become available.

Stakeholder meetings will be conducted with the landowners to vet the various options and to determine which designs have regulatory support. The regulatory agencies will be consulted during design evaluation to determine if there are any fatal flaws that would prevent future permitting and construction. Staff anticipates that field work/assessment, draft designs, regulatory input and 30% design specifications will be completed by January 2011.

On behalf of FrVR, UCC, in conjunction with Zone 7 Staff, will review and update existing survey data and perform other field reconnaissance in the reference reach. Under the initial SMPL contract, UCC has previously examined available documentation including geomorphic surveys, sediment studies, and historical documents pertaining to urbanization, drainage of the ancient laguna including other factors that could have altered the arroyo's hydrograph during the past several decades, and conducted a visual survey of the arroyo to identify factors within the reach itself (such as in-stream structures) that could be contributing to the instability of the creek. This background will play a key role in assessing design alternatives and making recommendations.

The overall goals for the FrVR Stream Design are to:

- Collect detailed field information
- Analyze field conditions pertinent to geomorphic, hydrologic, and hydraulic channel design.
- Utilize EPA's WARSSS (Watershed Assessment of River Stability and Sediment Supply) and evaluate its use for streams in our Valley. A report will be generated.
- Interface with landowners regarding the pros and cons of the design options, maintenance, costs, and other benefits/issues.
- Create 30% design drawings and specifications that have been vetted with landowners, have regulatory support, and meet the goals/intent of Zone 7's SMMP.
- Examine opportunities for broader partnering with other organizations (City of Pleasanton, Alameda County RCD, Alameda Creek Alliance, Friends of the Arroyos, etc.)
- Explore funding options for final design and construction.

To achieve these goals, stakeholder involvement will be critical. Zone 7, UCC, and FrVR will work together to foster shared understanding and focus energies on working toward solutions. Options in design will be provided at the 10% level to allow input and to work toward consensus. The regulatory agencies will be consulted as well to ensure that the proposed plans are consistent with the broader goals of habitat and fisheries restoration in ADLL, in addition to providing slope stabilization and erosion reduction.

BUDGET:

Zone 7 will contribute \$100,000 from Fund 50 – Flood Protection. The EPA grant match from UCC will provide a match in excess of the required 25%, effectively providing \$150,000 for the purposes of creating an initial 30% design for stream stabilization, erosion prevention, and habitat enhancements.

RECOMMENDATION:

Adopt the attached resolution authorizing the General Manager to administer a grant of funds by entering into an agreement with Urban Creeks Council to facilitate the Verona Reach Stream Design along the lower reach of the Arroyo de la Laguna on behalf of the Friends of Verona Reach, and in conjunction with Zone 7 for an amount not to exceed \$100,000.

April 5, 2010

To: Zone 7 Board of Directors
 From: Friends of Verona Reach
 Subject: Moving ahead on bank stabilization/erosion

We are writing to urge your board's approval of the grant to the Urban Creeks Council on behalf of the Friends of the Verona Reach. We have banded together to work with Zone 7 and the Urban Creeks Council on solutions to the erosion caused by the increased flows along the Arroyo de la Laguna. We are thankful for your staff's recommendation of this approach to pilot a grant program to assist local landowners in furthering the goals of Zone 7's Stream Management Master Plan in a unique, and mutually acceptable manner. We look forward to collaborating on a future project on the Verona Reach and appreciate your efforts at moving the process forward. We appreciate that you recognize that the Arroyo de la Laguna is a significant resource for the entire Tri-Valley and that by initiating this pilot program here, you are helping to improve flood protection for all Valley residents.

As you can imagine, it has been a frustrating decade for many of us who have sought assistance in dealing with the raging waters of the arroyo that have swept away our backyards. Many of us have lost significant portions of our property as the high-velocity flows have saturated and undercut our banks, resulting in slides that fill the arroyo with massive amounts of sediment that wreak havoc in downstream sections of the stream and increase flood risk. Zone 7 has studied this issue since the late 1990s and finally approved the SMMP to address a variety of issues. The time is nigh to begin the implementation of this Board's vision; We have experienced for too long how slowly government moves.

Our frustration aside—we are so pleased that Zone 7 has entered into its partnership with Urban Creeks. The commitment from their staff, coupled with the leadership of your key staff members, have us excited that we could actually have some solutions at hand before the end of the year. The bio-engineered plans that the Zone 7 matching grant would enable could result in win-win solutions for the environment and our property. Leveraging the Zone 7 money with another grant is another positive. We hope, once the studies are completed, that we again can see matching grants leveraging resources on this regionally significant portion of the watershed.

We urge you to approve the pilot program and the accompanying grant to finally get solutions moving along the Verona reach of the Arroyo de la Laguna. We the under-signed will cooperate with Zone 7 and Urban Creeks to assist them in conducting the necessary studies to determine the best methods to use to stabilize the banks, reduce excess sediment loads, improve the stream's function and reclaim our backyards and our peace of mind. Thank you for your consideration.

Friends of Verona Reach

Jerry Olsen
Board Manager
Castwood Country Club

April 5, 2010

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 From: Friends of Verona Reach
 Subject: Moving ahead on bank stabilization/erosion

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Friends of Verona Reach

HYM Kim
 7424 Foothill Rd
 P

Jamie M. Smith
 7832 Foothill Rd

Gerald P. Donaldson
 7402 Foothill
 Pleasanton CA
 94566

Beth + Mike Williams
 7336 Foothill Rd

Beth + Tim Hunt
 7266 Foothill Rd

April 5, 2010

To: Zone 7 Board of Directors

From: Friends of Verona Reach

Subject: Moving ahead on bank stabilization/erosion-Signature page

Toni Robinson
7882 Foothill Rd.

Ling Tsaw
7050 Foothill Rd.

Toni Robinson (POA) for
Dorothy Santos
7892 Foothill Rd.

Eddie & Ginger Belshe
7852 Foothill Rd.
Ginger Belshe

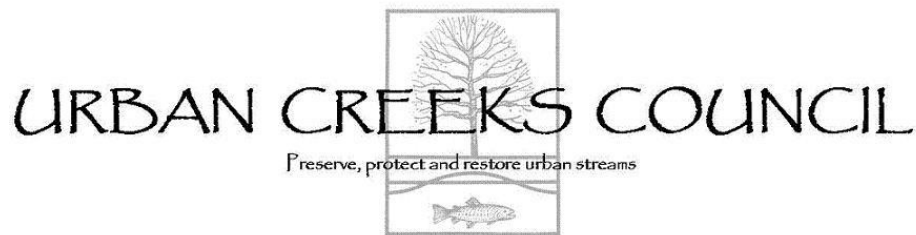
Rick & Christa Scarlott
1 Verona Road

Richard & Linda Jefferson
7230 Foothill Rd
Pleasanton, CA.

Matt & Karen Abbruscato
7190 Foothill Rd

Math & Yvonne Hoppe
2110 Foothill Road.

Lynne Waldera & Tom Coleman
7090 Foothill Rd.
Pleasanton CA



Project Background

The Urban Creeks Council is working closely with Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7) to foster understanding of the dynamic processes at work in the Arroyo de la Laguna (ADLL). This effort has led to a better understanding of the stream stabilization, erosion prevention, and habitat enhancements needed to restore the Verona Reach of ADLL (from Castlewood Dr. to Verona Bridge) near Pleasanton, California. Urban Creeks Council (UCC) is partnering with Friends of Verona Reach, a coalition of private landowners, and Zone 7 to provide grant support and consulting services for the initial design phase. The ultimate goals of this design are to 1.) Explore options for stream bed/bank stabilization, 2.) Reduce erosion 3.) Improve sediment transport, and 4.) Enhance habitat and fisheries potential. This first phase will consist of EPA's watershed and stream assessments (collectively known as a Watershed Assessment of River Stability and Sediment Supply – WARSSS) and the development of up to three viable restoration approaches for the approximately 5,000 LF reach. Additional sediment and surveying work being performed by Zone 7 outside of this scope will be incorporated by UCC into this design as it becomes available. It is UCC's expectation that at the end of this project (and with the concurrent or on-going sediment analysis) UCC and Zone 7 will have a preferred 30% design alternative and the necessary field data to develop a defensible design for the stabilization of the Verona Reach of Arroyo de la Laguna. The specific tasks for this project are described below.

Task 1– Fieldwork

UCC will perform a field reconnaissance of the Verona Reach (Arroyo de la Laguna) and the contributing watershed. The objective of the reconnaissance is to identify causes of the river impairment and to collect data that can be used for both assessment and design. The watershed reconnaissance will focus on land use and the associated hillslope, hydrologic and channel processes including surface and mass erosion; bedload and suspended sediment transport; stream and valley classification; hydraulic geometry; bank erosion; channel succession; streamflow including bankfull discharge; stream stability; reference conditions and bedload transport. The sediment data will be augmented by a sediment study undertaken by Zone 7 as part of a separate scope. The reconnaissance will be part of a broad assessment that not only identifies these processes, but documents them and provides a basis for analysis.

Specifically, a geomorphic survey will be performed for the project site including a longitudinal profile, cross sections and riffle/average pebble counts for each reach identified for the project site. Bank Erosion Hazard Index (BEHI) and Near Bank Shear Stress (NBS) evaluations will be made for the entire length of both banks within the 5,000 LF project. These two EPA-adopted tools are used together for the Bank Assessment for Non-point Consequences of Sediment (BANCS) model. It is expected that there will be multiple combinations of BEHI and NBS ratings.

In addition to geomorphic cross sections, additional study bank profiles will be established. These consist of toe pins driven into the bed of the channel from which a bank profile is measured. The procedure outlined in the EPA WARSSS document will be followed for this component of the field work. The purpose of this exercise is to provide a baseline for future re-surveys of the bank profiles to determine bank erosion rates. The bank erosion rates, along with the BEHI and NBS evaluations will provide the framework for site-specific erosion rating curves that can be used in conjunction with BEHI and NBS (BANCS) to predict bank erosion rates based on the model. The rating curves are a valuable tool in predicting erosion loss (and sediment inputs into stream systems) based on measured field conditions. This proposal includes only the establishment of the base (Year 0) bank profiles.

UCC understands that Zone 7 will undertake a topographic survey of the area in advance of the field work listed in the scope and UCC will work with Zone 7 to establish control points throughout the project site that can be used on any subsequent design or project. UCC will perform the geomorphic survey using survey-grade GPS. A reference reach will also be needed for the assessment and conceptual design. This proposal is based on UCC personnel identifying and surveying an appropriate reference reach (or multiple reaches) and reducing the data. UCC will use both an Excel database and separate RiverMORPH database, which will be applied in Task 5.

Deliverables UCC: Export file for reference reaches.
 Export file of geomorphic data collected in the field.

Task 2 – Data Processing

Following the field reconnaissance, the data will be processed to develop a Rapid Resource Inventory for Sediment and Stability Consequence. The purpose of this analysis is to develop the foundation for prediction analysis (which is fundamental to the development of alternatives) by summarizing the total potential sediment supply and channel stability risk as well as a composing a summary of consequences. The general procedure for the processing of the data from Task 3 is outlined in Chapter 4 of WARSSS¹ (Watershed Assessment of River Stability and Sediment Supply). This work will be documented using extensive worksheets and evaluations of the project area that will be developed by UCC.

Deliverables UCC: WARSSS forms, (as appropriate, included in report)

¹ A complete description of the WARSSS process can be found on EPA's website at www.epa.gov/warsss.

Task 3 – Prediction Level Assessment

The Verona Reach of Arroyo de la Laguna identified for this project was identified in Zone 7's Stream Management Master Plan (August 2006) as high risk for stability and sediment related problems. As such, a detailed comparison of the direction, rate, nature and extent of its departure from stability (compared to the reference reach) will be developed. This includes utilizing RiverMorph software and running the FLOWSED/POWERSED transport capacity model. These tools allow us to calculate how changes in hydraulic geometry, as well as potential changes in discharge and sediment supply, will affect our designs. The sediment rating curves (bedload) for this will be derived from the sediment work done by UCC under a separate contract. UCC will archive and analyze existing suspended sediment data from USGS. In the absence of bedload data, an estimation will be made for bedload transport data to be used in the FLOWSED/POWERSED model. Specifically, the work for this task will include developing stream stability indices, sediment transport competence/capacity, predicted channel response, channel stability ratings by various processes, overall sediment supply rating, bank erosion, total sediment yield and, finally, an evaluation of the consequences of increased sediment supply and/or channel stability changes. The general procedures for this task are outlined in Chapter 5 of WARSSS.

Deliverables UCC: WARSSS forms, (as appropriate, included in report)

Task 4 – WARSSS Report

The deliverable for this project will be a report summarizing the WARSSS study and concept alternatives. UCC will prepare a report that discusses the project objectives, work performed and findings and will include a discussion of critical factors that must be considered moving forward with the final design. One of the conceptual plans will be selected as the preferred alternative; a discussion of why the selected plan was preferred over the others will be included. The anticipated format of the report will be a narrative of necessary length to convey all the discussions related to the project supported with several appendices that include the WARSSS forms and other supporting documentation. Recommendations for additional work required to bring the project to final design will also be included.

Deliverables UCC: WARSSS Report

The following tasks will be completed using the matching funds from EPA / Urban Creeks Council:

Task 5 – Conceptual Design (Initial 10% Submittal)

Following WARSSS assessment and identification of the preferred alternative, initial conceptual designs will be developed that provide options for landowners, resource agencies and Zone 7 to review and assess at the 10% level. The purpose of this task is to help refine project options so that designs may be brought to 30%. The deliverable for this task will be a list of project options and conceptual drawings that allow for discussion and initial assessment of positive and negative impacts of each design option. UCC will perform the preliminary modeling necessary to assess the initial design and provide drawings for review, discussion, and revision.

Deliverables UCC: 10% Initial Design Modeling
 10% Initial Design Drawings

Task 6 – Conceptual Design (30% Submittal)

Following review, discussion, and revision of the initial 10% design modeling and drawings, 30% conceptual designs will be developed that show the preferred alternative selected through the stakeholder process. The purpose of this task is to bring the initial 10% design modeling and drawings to the 30% level. The deliverable for this task will be 30% design modeling results and drawings. UCC will refine the 10% modeling results while taking stakeholder concerns into consideration to provide 30% design drawings.

Deliverables UCC: 30% Initial Design Modeling
 30% Initial Design Drawings

All field data, documents, modeling results, designs, drawings, and specifications created as a part of this combined work effort will be presented to Zone 7 in both hard copy and electronic format upon completion. UCC estimates that this work effort will take approximately 6 to 9 months to complete.

Urban Creeks Council appreciates the opportunity to partner with the residents along Arroyo de la Laguna and Zone 7 to further the goals of Zone 7's Stream Management Master Plan and improve the overall watershed function of Upper Alameda Creek.

URBAN CREEKS COUNCIL
 COST SUMMARY FOR ADLL "VERONA REACH" STABILIZATION DESIGN
 April 21, 2010

Exhibit C

ZONE 7 CONTRIBUTION		Subtotals
Prep for Fieldwork		\$8,000.00
	Line up Field Equipment	
	GPS Rental	
	Reference Reach Identification	
Fieldwork		\$49,000.00
	Project Visual Recon	
	Watershed Recon	
	Geomorphic Survey ADLL	
	Bank Profile Surveys ADLL	
	Gage Analysis Survey	
	RR Survey	
	Scour Chains	
	On-Site Vegetation Survey	
	In-Stream Habitat Assessment	
Post Fieldwork		\$27,000.00
	Process Data	
	Reconnaissance Level Assessment	
	Rapid Resource Inventory for Sediment and Stability Consequence	
	Prediction Level Assesment	
WARSSS Report		\$16,000.00
	Preliminary Concept Report	
	Develop Report	
	Final Concept Report	
	Finalize Report	
ZONE 7 TOTAL		\$100,000.00
EPA / URBAN CREEKS CONTRIBUTION		
Conceptual Design		
	Concept Initial Submittal	
	Develop Plans	
	Preliminary Modeling	
	QA/QC	
	Concept Final Submittal	
	Finalize Plan	
	Modeling	
	QA/QC	
EPA / URBAN CREEKS TOTAL		\$50,000.00
Grand Total for Verona Reach 30% Design Drawings and Specifications		\$150,000.00

4/21/10 Board Written/narrative Comments By Dick Quigley

Recent Activity and Involvement Worth Sharing.

Thursday 3/25 Attended the annual California Special Districts Association dinner meeting in Pleasanton (twenty-fifth anniversary and well attended). Doug Siden, Board President of EBRPD, performed Master of Ceremonies duties; Jerry Thorne, Vice Mayor, Pleasanton, welcomed guests; and Bruce Kearns, retiring Executive Director, Alameda County Economic Development Agency, was the keynote speaker. Several agencies had full board participation.

Monday 3/29– Participated in an Ad hoc Committee on recommendations for Policy change on hiring a counsel replacement.

Wednesday 3/31- Participated in LLNL annual science fair competition as a judge team captain: 200 displays and 300 junior high and high school kids showcasing their study interest area. Many water/energy/environment-related science projects. I would recommend it highly as it is open to the public at the LARPD Robert Livermore Community Center. Proud and delighted to see Zone 7 (Diana & Elke) giving out special water awards.

Take away: Kids are our future, employees and leaders. And we must stay engaged as an education and outreach element of our mission.

Sunday 4/11-Monday 4/12

I attended ACWA Region 5 board meeting and Tour of the Vandenberg Air Force Base Museum and Shuttle Launch area. Heard from Base Utilities Engineer, Brad King, on water use and issues on the base. Facts:

99,572 Acres
676 Buildings
900+ Housing Units
18,000+ Personnel

42 Miles of Coastline State Water dependent

Also featured speaker, Roger Briggs, Executive Officer, Central Coast Regional Water Quality Control Board. Mr. Briggs will speak on water quality issues in the Central Coast and the potential affect on future water supply. **Brad King Power point available.**

Take away: Vandenberg has some very real and complex source water quality and contamination issues, not unlike some in our area.

Region 5: Next board meeting and tour will be hosted by BBID (Bethany Byron) and focus on pumping plants (Harvey Banks and CVP) in August or September.

If there are any questions on this report please give me a call.

Thanks!

Dick Quigley

ORIGINATING SECTION: ADMINISTRATION
CONTACT: Jill Duerig

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: GENERAL MANAGER'S REPORT

SUMMARY: The following highlights a few of the key activities which occurred during the month of March. Also attached is a list of the GM contracts executed during the month.

Operations and Maintenance:

- DWR is now saying costs for the repair of the South Bay Aqueduct Branch Pipeline may go as high as \$11 million (including damages to Wente). Due to delays in deliver of the 60-inch pipe, the schedule has been delayed, too. DWR received the first delivery of pipe on March 29th and began installation. The pipeline is expected to be available in late April for gravity-flow water deliveries (former estimate was 50 CFS by March 15th), with completion no earlier than mid-May. These delays are particularly problematic since Banks Pumping Plant is scheduled for a 10-day outage from to May 11 through 21, 2010. DWR does not consider further delays to the Banks Pumping Plant outage to be an option since that would have significant impacts on the SBA Improvement and Enlargement Project schedule.
- Patterson Pass Ultrafiltration Plant remains offline for the season. Del Valle was offline for annual maintenance work the first part of the month. During this period, Patterson Pass Conventional and the Mocho Groundwater Demineralization Facility handled the majority of demands.
- During March, DWR announced an increase in this year's water allocation from 15% to 20% based on the most recent snow survey data as well as Northern Sierra precipitation accumulation being near average as of April 1st. Note that locally, cumulative precipitation at the Pleasanton CIMIS Station was also average at the end of March. As the rainy season ends, additional increases may be announced by DWR.

Environmental & External Affairs:

- In a 3-2 vote, the California Fish & Game Commission ruled that the California tiger salamander (CTS) will be protected as a threatened species under the State's Endangered Species Act. CTS habitat is known to occur in the Bay Area, including the Livermore Valley. Note that the central California population has been federally listed as threatened since 2004.
- Staff have been in contact with SFPUC and confirmed their plans for an Interpretive Center in Sunol at the Water Temple, likely to reflect the importance of the Alameda Creek watershed and the relationship between watershed stewardship, natural resources management and a reliable supply. The current concept includes a meeting place for the general public, school groups, community and professional groups.

- Recent rains are expected to cause groundwater levels to continue rising so the spring semi-annual groundwater level monitoring event has been delayed to better represent the spring high levels.

Engineering and Flood Control:

- With the state's adoption of the new Recycled Water Policy, staff are reviewing the Salt Management portion of the Groundwater Management Plan to determine if it appears that it should be updated to include nutrients and constituents of emerging concerns (CECs) to be consistent with the new policy. Any updates would involve collaboration with the retailers.
- Staff identified additional bank slides along the Arroyo Mocho in Pleasanton, bringing the total to 22 slides that staff will plan to repair this summer. The planning, design and environmental permitting to accomplish this work is already underway, including the associated CEQA analyses and extension of the 5-year maintenance MOU with the California Department of Fish and Game.

Finance & Administration

- The first round of Hazardous Waste Operator (HazWOper) training to be conducted by newly-certified, in-house safety trainers has been scheduled between April 7th and May 27th 2010. Using in-house trainers will significantly reduce Zone 7's costs of providing these mandatory training classes. Now that these in-house capabilities are available, staff intend to initiate discussions with retailers to determine interest in possible participation.

ORIGINATING SECTION: OFFICE OF THE GENERAL MANAGER
CONTACT: BONI BREWER

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: Recent & Upcoming Public Outreach Activities

Recent Public Outreach Activities

7th Annual Water Conservation Showcase, March 23

Zone 7 was again among several co-sponsors of this event, held at the Pacific Energy Center in San Francisco. The showcase provides information on water-conserving strategies for building designers, managers and operators through presentations and table-top displays. Zone 7 staff provided Agency-specific water conservation materials for distribution, attended workshops about opportunities for commercial and residential conservation practices and emerging technologies, and networked with other water-conservation professionals as well as consumers.

Spring Water-Wise Gardening Workshops, March 27 and April 3

We teamed up with water retailers in Livermore and Pleasanton to co-host two Saturday workshops at the local libraries on drought-tolerant gardening. In all, some 65-70 people attended these workshops, which also generated news articles in both the Independent and the Pleasanton Weekly. Guest speakers at the workshops were experts in the areas of water-wise plant types and irrigation practices. Zone 7 provided a demonstration of how to access and use the new Tri-Valley Water-Wise Gardening website, and provided both indoor and outdoor water-saving tips and information on rebates for high-efficiency washing machines and toilets. A third workshop, co-sponsored by Zone 7 and the Dublin San Ramon Services District, is planned at the Dublin library on April 24 from 2 to 3:30 p.m. (see below).

Livermore Science Odyssey, March 18

Zone 7 provided several hundred copies of the first two editions of *Water for Tomorrow*, a joint publication of the Association of California Water Agencies and National Geographic Publishing, for distribution during this annual science fair for Livermore students. We were listed as a sponsor on the fair brochure and other promotional materials.

Tri-Valley Science & Engineering Fair, March 30-April 2

As in past years, Zone 7 staff served as judges on water-related projects during the Tri-Valley Science & Engineering Fair. This event, geared to high school and middle school students, is sponsored by the Lawrence Livermore National Laboratory. This year's *Special Award* judges for Zone 7 were Elke Rank, assistant water resources planner in the environmental and engineering planning section; and Diana Gaines, senior engineer in water supply engineering. Our winners have been invited to make presentations on their water-related projects during the May Board meeting as a way to help celebrate Water Awareness Month.

Earth Day, April 17

Zone 7 and the City of Pleasanton again co-sponsored an Earth Day event at the Saturday morning Farmers' Market in downtown Pleasanton. We had a large space for tables with activities, games and education about water conservation and water pollution. We also had a table at Livermore's Earth Day celebration, held at Robertson Park.

Upcoming Public Outreach Activities

Green Fair at Thoratec Corporation in Pleasanton, April 20

Zone 7 will be providing outreach material on water conservation and stormwater pollution prevention during this event for employees of Pleasanton-based Thoratec, a medical equipment company that has around 350 workers. Approximately 20 green vendors and utilities will be participating in this event in some way.

Water-Wise Gardening Workshop, April 24

This workshop, to be held from 2 to 3:30 p.m. at the Dublin Library, 200 Civic Plaza, Dublin, will be co-hosted by Zone 7 and Dublin San Ramon Services District as part of Dublin Pride Week. Like the workshops we recently cosponsored in Livermore and Pleasanton, this one will spotlight local experts in water-conserving plant types and irrigation practices, and Zone 7 will do a short demonstration of how to use the new Tri-Valley Water-Wise Gardening website.

Livermore Wine Country Festival, May 1 & 2

Zone 7 will again share an informational-activities table with the California Water Services Company at the 19th annual Wine Country Festival, to be held in downtown Livermore.

Bringing Back the Natives Garden Tour, May 2

Zone 7 is among several sponsors of this free, self-guided garden tour, which will showcase native and drought-tolerant plants throughout the East Bay, including at several houses in Livermore. The tour will run from 10 a.m. to 5 p.m. For information or to register for the tour, go to www.bringingbackthenatives.net.

ORIGINATING SECTION: Administration

CONTACT: Jill Duerig/Tim Hunt

AGENDA DATE: April 21, 2010

ITEM NO.

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.
- Staff, with recommendations of the agency's lobbying firm, determines a number of bills of interest to Zone 7 for the legislative session. Of particular interest to Zone 7 are bills regarding specific water issues, such as those related to the Delta.
- The Delta Stewardship Council appointment of Gloria Gray, a member of the West Basin water board and MWD, has been formally challenged by Jared Huffman, chair of the Assembly committee dealing with water issues. Legislative Counsel issued an opinion that her West Basin position is an incompatible office with her DSC board position. No formal determination but Huffman's position could both delay Senate confirmation of the governor's appointees and actions of the council.
- One Huffman bill, AB2420, which would have required a higher standard to obtain a fish "take permit" will not move forward this session. A second bill, AB2092, was amended to put the entire financial responsibility of developing the Delta Plan on water exporters. Staff will be working with fellow contractors to amend or defeat this bill.
- Analysis of the bills resulted in staff recommending support for two:
 - o AB 2336 that would eliminate all legal restrictions to taking striped bass, a non-native fish that is a primary predator of juvenile salmon. (See previous agenda item.)
 - o AB 1929, dealing with a "safe harbor" for agencies that have taken all appropriate procedures to control Quagga Mussels and the mussels show up in a water system. No opposition and bill has unanimously passed two committees.

- Staff is also recommending opposing two bills:
 - o AB 2049 would add a new section to the Water Code forbidding the transfer of State Water Project contracted rights from an agricultural user to a municipal contractor for more than 10 years.
 - o AB 1594 would require a Legislative vote and analysis by Legislative Analyst Office before construction of any conveyance in the Delta. Hearing April 13.

FUNDING: No funding necessary.

RECOMMENDED ACTION: Information only.

ATTACHMENT: Executive Summary of tracked bills



EXECUTIVE SUMMARY State Legislation

8-Apr-10

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

Bill	Topic	SYNOPSIS	STAFF'S RECOMMENDED POSITION
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Delta Stewardship Council

<u>AB 2092</u> Fees: Delta Stewardship Council	As amended on April 6, AB 2092 would, (1) after at least two public hearings, require the Delta Stewardship Council to, by March 31, 2011, adopt a fee on all SWP/CVP contractors to pay for the costs the council incurred over the course of three years (July 1, 2010-July 1, 2013) for the Delta Plan, including their plan to finance it long-term, and the "annual administrative costs of the council, not including the costs of grants and research projects. The fee must be based on "a reasonable estimate of the benefits received by the contractors from the activities associated with the enumerated costs hereinabove, and will begin on July 1, 2011 and sunset on July 1, 2014. Second, the bill would require the council to, by January 1, 2013, to develop a plan to finance the long-term costs of implementing the Delta Plan. This plan must "identify and evaluate the benefits to all groups resulting from the implementation of the Delta Plan, including proposals "to create revenues to pay for the private benefits associated with implementation of the Delta Plan. Finally, the bill prevents the council from adopting this fee unless and until the Legislature enacts a statute	Watch
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<u>AB 2336</u> Delta Predators	As introduced on February 19, AB 2336 would require the Delta Stewardship Council to include in its final Delta Plan an assessment of the "adverse impacts of invasive species predation on native species, an evaluation of predator suppression options in areas of the Delta that evidence the highest levels of predation, and recommendations to remedy the situation..."	Co-Sponsor (See earlier agenda item)
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<u>SB 1450</u> Delta Stewardship Council: Contracts	This bill was "gutted" and rewritten on March 23. SB 1450 would add Section 85035 to the Water Code to provide that any contract made or entered into by DWR is not binding on the Delta Stewardship Council unless the contract is approved by the council	Watch
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Water Conservation, Supply & Delivery

<u>SB 991</u> Water Supply	As introduced on February 8, SB 991 would appropriate \$569,900,000 of Proposition 1E and 84 funds for various purposes, including flood control projects, delta levee maintenance program and water supply reliability. Its provisions are virtually identical to SBx 7 8 (Chapter 2, Statutes of 2009), legislation that was part of last year's Delta water package. Staff to the author informed us the bill will be amended	Watch
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<u>AB 1886</u> Delta	As amended on March 17, AB 1886 requires DWR, as part of its next update of the California Water Plan, to include a report on progress towards meeting the state's goal of reducing reliance on the Delta	Watch
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<u>AB 1929</u> Quagga Mussels	As introduced on February 17, and after finding that up to forty thousand quagga mussels can colonize within one square meter, but "that implementation of the available measures to control mussel infestations and prevent the spread of the mussels to new water bodies is the most that can reasonably be required of water supply agencies, AB 1929 would amend existing law to permit Fish and Game to inspect their water supply systems and would not subject suppliers to liability IF the supplier is in full compliance with a plan to control and eradicate mussels	SUPPORT
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<u>AB 2049</u> Water Delivery	As introduced on February 18, AB 2049 would add a new section to the Water Code, to read: "To the extent permitted by law, the director shall not approve a transfer or assignment, for more than 10 years, of any contractual right to the delivery of a water supply from the State Water Resources Development System that is held by a contractor for agricultural use to another contractor for municipal use"	OPPOSE
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<u>SB 1469</u> State Water Project	This bill was "gutted" and rewritten on March 23. SB 1469 would add Section 139 to the Water Code to require DWR, by January 1, 2012, to: (1) Identify all parties that both benefit from waters originating in the Delta watershed, and whose activities impact it; (2) Develop a process for determining the degree of responsibility attributable to the identified parties for physical and environmental impacts on the Delta; and would add Section 10014 to the Water Code to require DWR, by January 1, 2012 to estimate both of the following: (1) The infrastructure needs for the SWP over the next 30years and (2) The expected costs of environmental mitigation and restoration projects associated with the identified infrastructure needs	Watch
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Bill	Topic	SYNOPSIS	STAFF'S RECOMMENDED POSITION
<u>AB 2776</u>	Urban Water Management Plans	As introduced on March 1 by the Committee on Water, Parks and Wildlife, AB 2776 would grant an extension to July 1, 2011 for an "urban wholesale water supplier whose urban water management plan prepared pursuant to Part 2.6 was due and not submitted in 2010" and for an urban retail water supplier that supplies water to a DOD military installation, the urban retail water supplier's implementation plan for complying with this part shall consider the "prior water conservation of that military installation under federal Executive Order 13514 and any subsequent presidential executive order governing water conservation by federal agencies"	Watch

Water Diversion and Use

<u>SB 565</u>	Water resources	As amended on February 1, 2010, SB 565 would authorize the SWRCB, in fulfilling their statutory responsibilities, to order any users of water to submit "any technical or monitoring report related to the diversion or use of water" and conduct inspections to ascertain compliance, would increase the penalties for trespass, and a violation of a cease and desist order, but the increase in the amount of penalties would "not apply to violations that occurred prior to January 1, 2011, would create a rebuttable presumption that no use of water occurred UNLESS that use is "included in a statement submitted to any reporting or monitoring requirement established under any permit, license etc., and the statement is submitted within six months after it is required to be filed with the board," would authorize the SWRCB to impose new civil liabilities relative to monitoring, reporting, violations of any terms or conditions of a permit, license et. and would require funds recovered to be deposited into the Water Rights Protection Subaccount	Watch
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<u>SB 1234</u>	Water Use	As introduced on February 19, AB 1234 would new Section 188.7 to the Water Code to require the SWRCB, by January 1, 2012, to adopt regulations to identify unreasonable uses of water during shortages in water supply amounting to 10, 20 and 30 percent	Watch
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Groundwater

<u>AB 2304</u>	Groundwater	As amended on April 6, AB 2304 would add a description of prime recharge areas, as defined in the bill, and "potential threats to those areas that have been identified in a local agency's groundwater management plan or identified by a watermaster pursuant to a court order, judgment or decree to the list of information a public water system, as defined, with 3,000 or more service connections, must provide to the planning agency upon receiving proper notification of a city's or county's proposed action to adopt or substantially amend a General Plan. In addition, the bill would amend Section 10753.7 of the Water Code to require the groundwater management plan be updated "at least once every five years on or before December 31, in years ending in zero and five and requires the plan to contain "an identification and map of the prime recharge areas for the groundwater basin and identification of any potential threats to the capability of the prime recharge areas and defines "map of the prime recharge areas" to mean a surface map of prime recharge areas that identifies topography, surface water features, vegetation, and overlying land u:	Watch
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Water Recycling

<u>SB 918</u>	Water recycling	As amended on March 18, SB 918 would require the State Department of Public Health to develop and adopt uniform water recycling criteria for indirect potable water reuse, investigate and report to the Legislature on the feasibility for uniform criteria for direct potable water reuse, and would require funds generated by the imposition of liabilities pursuant to current law be made available to the State Department of Public Health upon appropriation by the Legislature, for the purposes of Chapter 7.3 in specified amounts. Indirect potable water reuse is defined as "the use of recycled water for drinking purposes after replenishment of a groundwater basin or aquifer, or after the placement of recycled water into a surface water reservoir." The March 17 amendments added two findings to the declarations portion of the bill, namely, "there are a number of significant unanswered questions regarding indirect potable reuse through surface water augmentation and direct potable reuse" and defines surface water augmentation to mean "the placement of recycled water into a surface water reservoir used as a source of drinking water"	Watch
<u>SB 1173</u>	Recycled Water	As amended on March 24, SB 1173 would prohibit a person or public entity from using raw or potable domestic water for nonpotable municipal or industrial uses if suitable recycled water is available, as determined by the SWRCB. Under current law, the use of potable domestic water for non-potable purposes is a waste or unreasonable use within the meaning of Article X, Section 2 of the California Constitution, if recycled water is available that is of adequate quality, reasonably priced, meets public health requirements, will not adversely affect downstream water rights, and will not degrade the environment	Watch

Bill	Topic	SYNOPSIS	STAFF'S RECOMMENDED POSITION
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Water Quality

AB 2583 Water Quality

As introduced on February 19, AB 2583 would add a new Section 13003 to the Water Code to require water agencies, and their direct suppliers, "utilize raw material chemical products derived from Inherently Safer Technology or inherently safer production measures where the products derived from safer measures or technology are appropriate given the disinfection methodology used by the water agency, and are commercially available without being materially cost prohibitive to the water utilities or rate payers"

Watch

Administrative

AB 1987 Public retirement: computation of retirement benefits

This bill would provide, effective July 1, 2011, that any change in salary, compensation, or remuneration principally for the purpose of enhancing a member's benefits would not be included in the calculation of a member's final compensation for purposes of determining that member's defined benefit and that the board of each state and local public retirement system to establish accountability provisions. This bill would also require a board to establish a requirement that a retired person may not perform services for any employer covered by a state or local retirement system until that person has been separated from service for a period of at least 6 months.

Watch

Two-Gates Protection Demonstration Project

AJR 35 Two-Gates Protection Demonstration Project

As introduced on February 19, AJR 35 would respectfully request every Member of the California congressional delegation, House Speaker Nancy Pelosi, and the U.S. Department of the Interior to restart the implementation of the Two-Gates Fish Protection Demonstration Program Project with the goal of completing the necessary environmental review and engineering design to construct the project in 2010

Watch

CESA

AB 2420 CESA

As amended on March 24, would amend Fish and Game Code section 2080.1 to require a biological opinion be obtained along with the currently required incidental take statement, OR the obtaining of a conservation plan along with the currently required incidental take permit to take an author announced endangered, threatened, or candidate species after doing, among other things, the following: (1) notifying the director in writing that the person has received a biological opinion and an incidental take statement or a conservation plan and an incidental take permit which includes references that moving forward in "meet the minimization, full mitigation, funding, and compliance monitoring requirements of subdivision (b) of Section 2081 and the director determines based upon substantial evidence, makes a consistency determination with this chapter

Watch

On April 5, the

through staff that this bill would not be moving forward in 2010

Delta Levee Maintenance

SB 808 Delta levee maintenance

As amended on January 25, 2010 SB 808 would declare the intent of the Legislature to reimburse local agencies for costs incurred to maintain and/or improve project or non-project levees in the Delta until July 1, 2013 in an amount not to exceed 75% of the costs in excess of one thousand dollars per levee mile and, thereafter, in an amount not to exceed 50% of those costs. Reimbursements made pursuant to this law must be consistent with the priorities of the Delta Plan

Watch

Peripheral Canal

AB 1594 Sacramento-San Joaquin Delta: peripheral canal

As introduced on January 4, 2010 AB 1594 would prohibit the construction of a peripheral canal, as defined, unless expressly authorized by the Legislature; would require the LAO to complete an economic feasibility analysis prior to enactment; would require that the canal's construction and operation not diminish or negatively affect the water rights, supplies, or quality of water within the Delta

OPPOSE

AB 1797

Delta Corridors Plan

As introduced on February 10, AB 1797 would add a new Section 148 to the Water Code that requires DWR to fast-track a study of "a through-Delta conveyance plan referred to as the Delta Corridors Plan" as that plan is "described in [the] Proposal to Reconnect the San Joaquin River to the Estuary, dated March 23, 2007", and requires this report to be submitted to the Legislature on or before January 1, 2012

Watch

SB 1334

Natural Community Conservation Plans

As introduced on February 19, SB 1334 would expand the cooperation requirement to require the department to cooperate with all local agencies that have land use permit authority over the activities proposed to be addressed in the plan

Watch

ORIGINATING SECTION: FINANCE & BUSINESS SERVICES
CONTACT: DENNIS GAMBS/JOHN YUE

AGENDA DATE: April 21, 2010

ITEM NO.

SUBJECT: ENERGY PROGRAM

SUMMARY:

- Staff has prepared an Energy Program Plan consisting of Goals, Strategies and a list of Deliverables which are intended to provide a focus on energy related activities at Zone 7 and promote a culture of reducing energy usage and related costs.
- The *Goals* of the program are to reduce energy usage, stabilize energy costs, reduce impacts to the environment, investigate renewable energy sources and be readily compliant with future regulations.
- The *Strategies* for accomplishing the goals are developing agency guidelines that foster the energy goals, evaluating cost effective ways to achieve the goals, undertaking monitoring and reporting programs to help identify cost savings, developing a list of deliverable projects and programs which includes completion dates and project leads.
- The above goals and strategies are very similar to those in the draft Energy Policy previously considered by the Board.
- The Board may consider adding specific Energy Program Deliverables, when finalized, to the Agency Strategic Plan as it is updated.

RECOMMENDED ACTION:

For information only. No action requested.

ATTACHMENTS:

Memo
Energy Program Plan
Draft Energy Program Deliverables

Interoffice Memo

Date: April 14, 2010
To: Jill Duerig
From: Dennis Gambs
Subject: Energy Program

BACKGROUND

The Zone 7 Water Agency uses considerable energy in supplying drinking water through its retailers to serve nearly 200,000 people in Pleasanton, Livermore, Dublin and the Dougherty Valley area. Zone 7 operates two water treatment plants, nine wells and a demineralization plant to provide treated water. The current annual energy costs for operating these water facilities is approximately \$2,000,000.

Zone 7's energy usage has basically doubled recently increased significantly due to the Mocho Groundwater Demineralization Plant. The groundwater demineralization process requires energy to pump groundwater and force it through a Reverse Osmosis membrane. Zone 7's annual usage is likely to increase again with a new treatment facilities at either the Altamont site or at Patterson Pass Water Treatment Plant (2015 – 2020). It is not likely that Zone 7 can reduce its overall annual energy usage from current levels because the treatment system is still being expanded to serve future customers. However, as energy becomes a more significant portion of the operating costs, reductions in usage, increases in efficiencies and obtaining less expensive energy become increasingly important to reducing operating costs.

In addition to keeping costs down, there are environmental reasons for reducing energy usage. Energy generated by power plants using non-renewable energy sources such as fossil fuels emit air pollutants. Air pollutants may include carbon dioxide, which is a greenhouse gas (GHG) that has been linked to global warming. A major portion of PG&E's electrical power is generated from fossil fuels. Thus, a reduction in use of PG&E or increase in use of renewable energy (such as solar or wind), decrease emissions of pollutants including GHG.

The State of California has passed legislation (AB 32—Global Warming Solutions Act of 2006) codifying the state's goal to reduce GHG emissions to 1990 levels by 2020. Renewable energy is being encouraged at both the state and federal levels, although there has been recent discussion at the state level on slowing down these reductions. There are incentive programs for clean energy including the California Solar Initiative Program, Federal Tax credits/accelerated depreciation and American Recovery & Reinvestment Act bond programs. By developing renewable energy projects, Zone 7 can be in a position to take advantage of these incentive programs. Through implementation of a renewable energy project, Zone 7 can also be less dependent on PG&E, whose rates are subject to increases. While implementation of energy projects would not prevent overall increases in Zone 7's energy cost, they would help stabilize costs.

Draft Energy Policy

A policy on energy was drafted by staff in response to the February 9, 2007, Ad Hoc Energy Committee meeting, wherein the Directors requested preparation of a “straw man” for consideration as a possible future Zone 7 Energy Policy. On November 6, 2007, the draft Energy Policy was presented to the Energy Committee who recommended bringing it forward to the full Board at the November meeting for information and discussion. The draft Energy Policy was reviewed by the Board at both the November and December 2007 Board Meetings. The Board was not ready to adopt the draft Energy Policy but felt that the policy was going in the right direction and sent the policy back to committee for additional work.

Some Board members felt the policy needed more tangible goals while others felt that a formal policy was not needed for saving energy. Comments included: “It is imperative that we make good management and technical decisions which impact the environment and utilization of energy”; “the Board needs to take a leadership role to show Valley residents that we are concerned and doing something with regard to alternative energy use.” Other comments were that “the goals must be obtainable and not penalize Zone 7”; “the policy should promote culture change within the Zone 7 organization through motivation”; “Zone 7 should move forward before being pushed by regulators”; “we should have measurable goals to strive for and the policy should have more substance.”

On September 9, 2008 the Ad Hoc Energy Committee again considered the draft energy policy. The committee was in favor of rolling the energy policy into the strategic planning process.

Energy Program

While Board priorities identified in the strategic planning process did not specifically identify an energy related deliverable as a priority, an Energy Program has been developed by staff. This plan has essentially the same goals of reducing energy costs and strategies for developing the projects and programs necessary to achieve the goals as was in the draft Energy Policy considered by the board. While none of the Energy Program Deliverables are included in any of the Agency’s Strategic Planning Priorities, the goals as well as the programs and projects identified by staff are consistent with Board priority No. 4 - “Operate the agency in a cost-effective manner.” The Board can consider adding specific deliverables, as identified in the Energy Program, to the Agency Strategic Plan when that plan is next updated. The Energy Program is also consistent with Zone 7’s Mission Statement which states that the agency will “develop and manage the water resources in a fiscally responsible, innovative, proactive and environmentally sensitive way.”

Energy Program Deliverables

The Energy Program Deliverables is a comprehensive list of projects, programs and other energy related activities. These deliverables are the “tangible efforts” being made by the agency to meet the goals stated in the Energy Program Plan. Many of the programs listed, such as Transportation Management, Annual Energy Reports, Climate Action Registry and Water Conservation are already established, while a number of the projects are still being developed and/or prioritized for implementation. These projects would include solar projects at Patterson

Pass Water Treatment Plant and Mocho 3 Well site as well as the Lighting Replacements at each of the treatment plants.

Many of the proposed energy projects were identified in reports prepared for Zone 7. The Alternative Energy Study completed by Whitley Burchett Associates in November 2007 identified potential alternative energy sources for Zone 7 production facilities. All Zone 7 facilities, wells, rate control stations and water treatment plant sites, were considered for alternative energy projects. In addition, Integrated Energy Audits were provided by PG&E in 2008 as a service under its Customer Energy Efficiency Program. The Integrated Energy Audit reports identified potential energy efficiency and modernization measures at Zone 7's Wells and the Del Valle and Patterson Pass Water Treatment Plants.

Next Steps

Over the next several weeks, staff will finalize the list of Energy Program Deliverables. The projects and programs are spread throughout the various agency divisions and require some additional discussion before finalizing the list of deliverables as well as the team resources and completion dates. The final list of deliverables will be presented to the Board for consideration and potential inclusion in an updated Strategic Plan. The list of Energy Program Deliverables will be updated on a periodic basis as a responsibility by the Finance & Business Services Division. This division will also take a lead in championing the Energy Program as well as developing and implementing a number of the projects and programs.

Zone 7 Water Agency Energy Program Plan

I. GOALS

- Use energy in a non-wasteful manner, reducing usage whenever and wherever possible.
- Reduce and/or stabilize energy-related costs.
- Reduce adverse energy-related impacts to the environment when and where possible.
- Investigate the feasibility of using renewable energy sources, considering both the costs and benefits of such projects.
- Be readily compliant with future regulatory requirements on energy usage.

II. STRATEGIES

To accomplish the above goals, Zone 7 will implement the following strategies:

- Develop and update guidelines that foster an agency culture to meet the energy program goals.
- Identify and evaluate new and innovative ways to achieve the goals.
- Develop appropriate monitoring, energy usage reporting, and energy programs to evaluate progress and identify areas of costs savings.
- Develop a list of deliverable: projects, alternative energy sources, and energy programs which identifying completion dates and project leads.

DRAFT

Energy Program Deliverables

Deliverable	Completion date
Draft Guidelines for Energy-Related Activities (Includes: Capital Planning, Design and Construction, Operations and Maintenance and Purchasing.)	April 2010
POTENTIAL ENERGY PROJECTS	
Investigation of Solar Panels at Patterson Pass WTP under PPA (Alternative Energy Study)	2011
Investigation of Solar Array at the Mocho 3 Well Site under PPA (Alternative Energy Study)	2011
Investigate feasibility of Solar Thermal (Heating) Project at DVWTP (Alternative Energy Study)	2010
Install more efficient motors and pumps on wells; and variable frequency drive on Stoneridge Well. (Integrated Audit Report)	To Be Determined
Preliminary investigation of feasibility of Floatovoltaics for the Chain of Lakes	2010
MISCELLANEOUS	
Install portable meters at select locations at treatment facilities for monitoring electrical usage. (e.g. PPWTP UF)	To Be Determined
Program SCADA to monitor energy usage on Mocho 2, DAF at DVWTP, Silver Oaks Booster Pump Station and Booster Pumps at DVWTP.	To Be Determined
ALTERNATIVE ENERGY SOURCES	
Power and Water Resources Pooling Authority	To Be Determined
Western Area Power Administration	To Be Determined
SMALLER ENERGY PROJECTS	
Automatic Light Controls at PPWTP (Integrated Audit Report)	2010/11
Replace HID and Standard T12 Fluorescent Light with High Efficiency T5 and T8 Fluorescent Lighting at PPWTP. (Integrated Audit Report)	2010/11
High Efficiency T8 Fluorescent Lighting at DVWTP Water Quality Laboratory. (Integrated Audit Report)	2010/11

Deliverable	Completion date
ENERGY COST SAVING PROGRAMS/ACTIVITIES	
Evaluation and selection of PG&E Rate Schedules, including the new Peak Day Pricing Program	Ongoing
Transportation Management - Including Electric Hybrid Vehicle Purchases.	Ongoing
Water Conservation/Efficiency	Ongoing
Energy Audits PG&E Integrated Energy Audit Completed Nov. 2008	Ongoing (every 5 years)
ENERGY MONITORING AND REPORTING	
California Climate Action Registry (program was recommended in AB 32)	Annually
Monitoring and Reconciling PG&E Invoices	Ongoing
Annual Report Summarizing and Assessing Zone 7's Energy Usage	Annually
Well Efficiency Testing Program – Determine motor and pump efficiencies and well specific capacities	Annually

ORIGINATING DIVISION: Financial and Systems Services
CONTACT PERSON: JaVia Green

AGENDA DATE: April 21, 2010

ITEM NO:

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 13/14 is as follows:

Fiscal Year	Projected Equivalent Connections	Projected Revenue	ISA Draw/Payback	Projected Expenses	Projected End of Year Available Funding ¹
09/10	275	\$8,093,111 ²	\$30,500,000	\$25,632,046	\$34,170,662
10/11	381	\$9,223,349		\$21,222,698	\$22,171,314
11/12	572	\$14,164,473		\$23,318,737	\$13,017,049
12/13	915	\$22,132,505		\$17,058,712	\$18,090,841
13/14	1465	\$36,161,818	-\$30,503,481	\$15,360,590	\$8,388,587

^{1.} Represents the sum of net available funds and cash from ISA after expenses.

^{2.} This amount includes \$5,473,481 of actual connection fee revenue received to-date, which exceeds this fiscal year's projection of \$5,145,519.

- Based on the revenue and expenditure projections shown in the table above, staff anticipates sufficient funding to pay off the ISA in January 2014. The attached Fund 73 five-year cash flow provides more details on the data summarized above. Projected available funding is shown in the chart below.

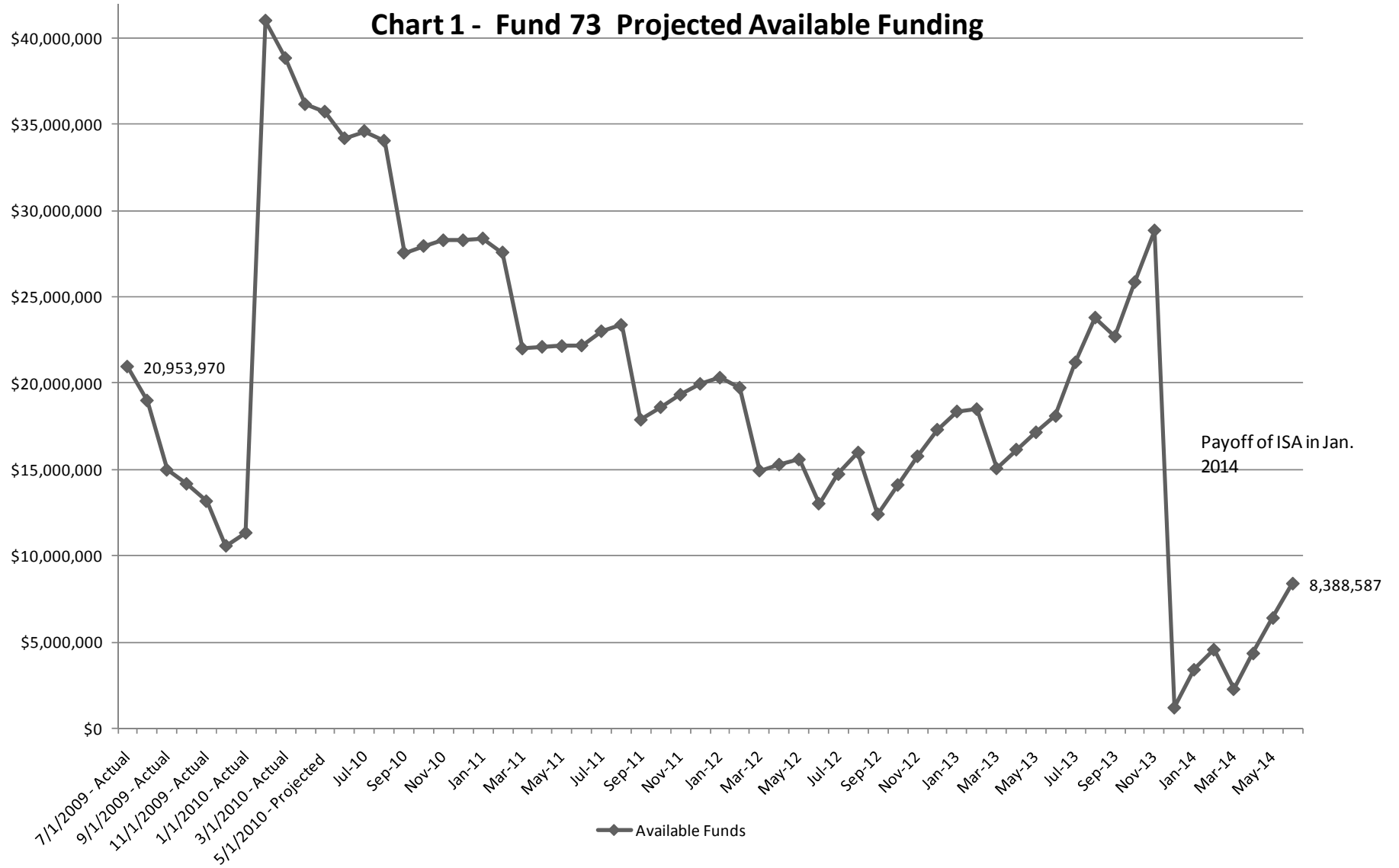
RECOMMENDED ACTION:

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 Five-Year Cash Flow Tables

FY 09/10													
	7/1/2009 - Actual	8/1/2009 - Actual	9/1/2009 - Actual	10/1/2009 - Actual	11/1/2009 - Actual	12/1/2009 - Actual	1/1/2010 - Actual	2/1/2010 - Actual	3/1/2010 - Actual	4/1/2010 - Projected	5/1/2010 - Projected	6/1/2010 - Projected	Sum of Key Data
Beginning Fund Balance Projected	21,209,597	20,953,970	18,989,582	14,970,695	14,164,041	13,160,753	10,573,000	11,328,602	40,986,704	38,813,663	36,138,717	35,712,195	
Encumbrances										2,267,791			2,267,791
Source of Funds- Projected													.
Z7 Connection Fee Revenue	449,188	405,356	416,023	193,975	384,021	62,837	277,348	416,023	754,011	183,893	183,893	183,893	3,910,461
DV Connection Fee Revenue		239,400	-	458,850	179,550	52,800	785,100	319,200	79,800	195,510	195,510	195,510	2,701,230
Interest Revenue/Prepaid Connections/Other			447,604	191,538	-	-	-	71,916	31,244	739,119			1,481,421
ISA								30,500,000					30,500,000
Total Sources of Funds	449,188	644,756	863,626	844,363	563,571	115,637	1,062,448	31,307,139	865,055	1,118,522	379,403	379,403	
Available Funds Projected	21,658,784	21,598,727	19,853,208	15,815,058	14,727,612	13,276,389	11,635,448	42,635,740	41,851,758	37,664,395	36,518,120	36,091,598	
Projected Expenditures	704,814	2,609,145	4,882,513	1,651,017	1,566,859	2,703,389	306,846	1,649,037	3,038,095	1,525,678	805,925	1,920,936	23,364,254
Net Available Funds + ISA Cash - Projected	20,953,970	18,989,582	14,970,695	14,164,041	13,160,753	10,573,000	11,328,602	40,986,704	38,813,663	36,138,717	35,712,195	34,170,662	
FY 09/10 Key Data: Projected Connection Fee Revenue: \$ 5,145,519 Actually Received \$ 5,473,481 % of Actual to Projected 106% Projected Expenditures \$ 25,632,046 Actually Spent/Encumbered \$ 22,053,004 % of Actual to Projected 86%													

FY 10/11													
	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Sum of Key Data
Beginning Fund Balance Projected	34,170,662	34,589,504	34,028,393	27,541,677	27,934,575	28,262,619	28,261,896	28,368,750	27,559,676	21,994,054	22,095,681	22,135,738	
Encumbrances													.
Source of Funds- Projected													.
Z7 Connection Fee Revenue	382,469	382,469	382,469	382,469	382,469	382,469	265,155	265,155	265,155	265,155	265,155	265,155	3,885,747
DV Connection Fee Revenue	406,980	406,980	406,980	406,980	406,980	406,980	282,200	282,200	282,200	282,200	282,200	282,200	4,135,080
Interest Revenue/Prepaid Connections/Other	92,220			85,657			69,782		884,704	70,159			1,202,522
ISA						-							.
Total Sources of Funds	881,670	789,449	789,449	875,107	789,449	789,449	617,138	547,355	1,432,059	617,514	547,355	547,355	
Available Funds Projected	35,052,332	35,378,953	34,817,843	28,416,784	28,724,024	29,052,068	28,879,033	28,916,105	28,991,734	22,611,568	22,643,036	22,683,093	
Projected Expenditures	462,829	1,350,560	7,276,165	482,209	461,406	790,172	510,284	1,356,429	6,997,680	515,887	507,299	511,779	21,222,698
Net Available Funds + ISA Cash - Projected	34,589,504	34,028,393	27,541,677	27,934,575	28,262,619	28,261,896	28,368,750	27,559,676	21,994,054	22,095,681	22,135,738	22,171,314	

	FY 11/12												
	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Sum of Key Data
Beginning Fund Balance Projected	22,171,314	23,000,190	23,368,048	17,870,398	18,599,481	19,323,581	19,952,518	20,310,864	19,728,006	14,927,780	15,279,373	15,572,117	
Encumbrances													-
Source of Funds- Projected													-
Z7 Connection Fee Revenue	596,106	596,106	596,106	596,106	596,106	596,106	413,364	413,364	413,364	413,364	413,364	413,364	6,056,820
DV Connection Fee Revenue	634,950	634,950	634,950	634,950	634,950	634,950	440,232	440,232	440,232	440,232	440,232	440,232	6,451,092
Interest Revenue/Prepaid Connections/Other	55,188			71,395			58,118		1,409,368	62,491			1,656,561
ISA													-
Total Sources of Funds	1,286,244	1,231,056	1,231,056	1,302,451	1,231,056	1,231,056	911,714	853,596	2,262,964	916,087	853,596	853,596	
Available Funds Projected	23,457,558	24,231,246	24,599,104	19,172,849	19,830,537	20,554,637	20,864,232	21,164,460	21,990,970	15,843,867	16,132,969	16,425,713	
Projected Expenditures	457,368	863,198	6,728,706	573,368	506,956	602,118	553,368	1,436,454	7,063,191	564,494	560,852	3,408,664	23,318,737
Net Available Funds + ISA Cash - Projected	23,000,190	23,368,048	17,870,398	18,599,481	19,323,581	19,952,518	20,310,864	19,728,006	14,927,780	15,279,373	15,572,117	13,017,049	

	FY 12/13												
	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Sum of Key Data
Beginning Fund Balance Projected	13,017,049	14,723,478	15,978,715	12,399,905	14,098,188	15,757,377	17,298,619	18,351,642	18,487,205	15,054,082	16,146,318	17,145,343	
Encumbrances													-
Source of Funds- Projected													-
Z7 Connection Fee Revenue	990,675	990,675	990,675	990,675	990,675	990,675	687,083	687,083	687,083	687,083	687,083	687,083	10,066,550
DV Connection Fee Revenue	1,057,420	1,057,420	1,057,420	1,057,420	1,057,420	1,057,420	733,367	733,367	733,367	733,367	733,367	733,367	10,744,720
Interest Revenue/Prepaid Connections/Other	47,687			45,541			70,426		1,067,352	90,229			1,321,235
ISA													-
Total Sources of Funds	2,095,782	2,048,095	2,048,095	2,093,636	2,048,095	2,048,095	1,490,876	1,420,450	2,487,802	1,510,679	1,420,450	1,420,450	
Available Funds Projected	15,112,831	16,771,573	18,026,810	14,493,540	16,146,283	17,805,472	18,789,495	19,772,092	20,975,007	16,564,761	17,566,768	18,565,793	
Projected Expenditures	389,353	792,858	5,626,906	395,353	388,906	506,853	437,853	1,284,888	5,920,925	418,443	421,425	474,951	17,058,712
Net Available Funds + ISA Cash - Projected	14,723,478	15,978,715	12,399,905	14,098,188	15,757,377	17,298,619	18,351,642	18,487,205	15,054,082	16,146,318	17,145,343	18,090,841	

	FY 13/14												
	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Sum of Key Data
Beginning Fund Balance Projected	18,090,841	21,201,286	23,787,861	22,695,423	25,842,703	28,835,764	1,202,863	3,399,213	4,558,133	2,270,449	4,344,265	6,395,680	
Encumbrances													-
Source of Funds- Projected													-
Z7 Connection Fee Revenue	1,651,425	1,651,425	1,651,425	1,651,425	1,651,425	1,651,425	1,144,988	1,144,988	1,144,988	1,144,988	1,144,988	1,144,988	16,778,478
DV Connection Fee Revenue	1,760,080	1,760,080	1,760,080	1,760,080	1,760,080	1,760,080	1,220,427	1,220,427	1,220,427	1,220,427	1,220,427	1,220,427	17,883,040
Interest Revenue/Prepaid Connections/Other	120,864			157,700			193,435		1,005,400	22,901			1,500,300
ISA						(30,503,481)							(30,503,481)
Total Sources of Funds	3,532,369	3,411,505	3,411,505	3,569,205	3,411,505	32,247,269	2,558,849	2,365,415	3,370,815	2,388,315	2,365,415	2,365,415	
Available Funds Projected	21,623,211	24,612,791	27,199,366	26,264,628	29,254,208	32,247,269	3,761,712	5,764,628	7,928,948	4,658,764	6,709,679	8,761,095	
Projected Expenditures	421,925	824,930	4,503,943	421,925	418,443	540,925	362,499	1,206,494	5,658,499	314,499	313,999	372,507	15,360,590
Net Available Funds + ISA Cash - Projected	21,201,286	23,787,861	22,695,423	25,842,703	28,835,764	1,202,863	3,399,213	4,558,133	2,270,449	4,344,265	6,395,680	8,388,587	