



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

NOTICE OF REGULAR MEETING OF BOARD OF DIRECTORS

DATE: Wednesday, May 18, 2011
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. Pledge of Allegiance
3. Citizens Forum

This is an opportunity for members of the audience to speak on an item not listed on the agenda. The Board cannot deliberate or take action on a non-agenda item unless it is an emergency as defined under Government Code Section 54954.2.
4. Minutes of the Regular Meeting of April 20, 2011
5. Consent Calendar
 - a) Memorandum of Agreement to Conduct Site-Specific Analysis of the Bay Area Regional Desalination Project
 - b) Award of Contract for the Camp Parks and Test Well Destructuations Project, Project No. 213-11
 - c) Amendment to Contract with Liebert Cassidy Whitmore to Provide Legal Services for Ongoing Legal Support for Employment Issues
 - d) Alameda County Surplus Property Authority (ACSPA) Mitigation Request: Pilot Use of Mitigation Funds for Restoration/Enhancement at Stanley Reach on Arroyo Mocho
 - e) Exchange of Properties with Eden Housing and KB Home in Connection with the Arroyo Vista Redevelopment Project Near Alamo Creek (Line F) in Dublin
6. Staffing Updates:
 - a. Congratulations to Retiree
 - b. New Employee Introduction
 - c. Employee of the Month Recognition

7. Presentation by Science & Engineering Fair Awardees

Recommended action: Information.

8. 2010 Enhancing Conservation Program, Future Conservation Programs, and Recognize Tri-Valley Businesses for their Conservation Efforts

Recommended action: Information.

9. Committees

- a. Finance Committee of May 4, 2011 – minutes

10. Items for Future Agenda – Directors

11. Reports – Directors

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

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

- a. General Manager's Report
- b. Recent & Upcoming Public Outreach Activities
- c. Legislative Update
- d. Status Report on Separation Efforts
- e. Recent Employee Activities
- f. Annual Review of Sustainable Water Supply for Zone 7 Water Agency
- g. Update Related to the Bay-Delta Conservation Plan
- h. Verbal Reports

13. CLOSED SESSION

- a) Conference with Labor Negotiators:
Agency Negotiator: G.F. Duerig
Employee Organizations: Alameda County Management Employees Association;
Alameda County Building and Construction Trades Council, Local 342, AFL-CIO; International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; Local 1021 of the Service Employees International Union, CTW; Unrepresented Management.
- b) Conference with Legal Counsel--Existing Litigation, Government Code Section 54956.9(a): Margaret Chun v. Alameda County Flood Control and Water Conservation District, Zone 7, et al. (Alameda County Superior Court Case No. HG11559731)

14. Open Session and Report Out of Closed Session

15. Adjournment

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

- a) Regular Board Meeting: June 15, 2011, 7:00 p.m.

Materials related to an item on this agenda that have been provided to the Board less than 72 hours prior to the meeting are available for public inspection at the Zone 7 office at the time of, and prior to, the meeting and at www.zone7water.com. All other material otherwise provided to the Board will be available at the public meeting.

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

April 20, 2011

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

DIRECTORS: SANDS FIGUERS
JOHN GRECI
AJ MACHAEVICH
CHRISTOPHER MOORE
SARAH PALMER
RICHARD QUIGLEY
BILL STEVENS Director Stevens left at 9 p.m.

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING
JOHN YUE, ASSISTANT GENERAL MANAGER, FINANCE
CAROL MAHONEY, ASSOCIATE PROFESSIONAL GEOLOGIST
DIANA GAINES, SENIOR ENGINEER
JOE SETO, PRINCIPAL ENGINEER
GINGER STATON, HUMAN RESOURCES ANALYST II
JUDY RECTOR, ACTING BOARD SECRETARY

COUNSEL: REN NOSKY, DOWNEY BRAND

Item 3 - Citizens Forum

None.

Item 4 – Minutes of the Regular Meeting of March 16, 2011

On a motion by Director Figuers with a second by Director Palmer, the minutes of the Regular Meeting of March 16, 2011, were approved as presented by a voice vote of 7-0.

Item 5 - Consent Calendar

Director Quigley moved for approval and Director Stevens seconded the motion. The resolutions were approved by a roll call vote of 7-0.

Resolution No. 11-4070 The Board of Directors supports and declares May as Water Awareness Month.

- Resolution No. 11-4071 Accept Quitclaim Deed and authorize the General Manager to record the Quitclaim Deed at the office of the Recorder of Alameda County, and authorize payment of \$5,000 to the County for the property.
- Resolution No. 11-4072 General Manager is authorized to negotiate and execute an agreement by ACTC for possession and use of portions of the Arroyo Mocho channel needed for the State Route 84 Widening Project in Livermore.

Item 6 - Staffing Updates

Item 6a –Congratulations to Retiree

Vince Wong, Assistant General Manager of Operations and Maintenance, retired from the Agency on April 1, 2011 after over 40 years of service with Zone 7. Vince has been an integral part of the Agency over the years, overseeing both the Engineering and Operations divisions during his long tenure with Zone 7.

Ginger Staton, Human Resources Analyst II, presented a brief slide show of pictures of Vince over the years. General Manager Jill Duerig described him as not just a fantastic engineer, but a wonderful gentleman and mentor for so many people and staff. In lieu of a retirement party and gifts, cards were passed around Zone 7 and, at Vince's request, donations in the amount of \$360 were made in his name to the Chinese Community United Methodist Church in Oakland for their "Youth and Children's Visionary Missions" project in Uganda.

The Directors had many compliments for Vince including noting his calm, charismatic personality, his honesty, intelligence, kindness, and for having a great deal of corporate, institutional knowledge of Zone 7. President Greci, on behalf of the board, noted their best wishes and a thank you for everything Vince has done for this organization.

On a motion by Director Stevens, seconded by Director Moore, Resolution No. 11-4073 congratulating Vince Wong on his retirement was adopted by a voice vote of 7-0

Item 6b. New Employee Introduction

Donna Fabian joined Zone 7 on April 4, 2011, as an Administrative Assistant at the North Canyons Building. Donna and her family were present at the meeting and acknowledged by the Board. Donna has more than 20 years of administrative experience in the public sector including positions at Alameda County Superior Court, the Alameda County Administrator's Office, and Alameda County Public Works Agency. She attended Chabot College and has been working at Zone 7 on a temporary basis since April 2010.

President Greci commented that she is the first face you see when you walk in the door and he has never come through the door without a big smile on her face and her being very helpful. He added that Zone 7 is lucky to have her.

Item 6c. Employee of the Month Recognition

Robyn Navarra, Water Conservation Coordinator, was also present at the meeting. She was chosen from among those nominated because of her exemplary work. Robyn's work is performed under the Office of the General Manager. She puts a great deal of effort into everything she does. Robyn is a high energy person who will never lose a moment on the job. Every moment she is the Energizer Bunny, writing proposals, coming up with new ideas, implementing new ideas and having the energy to do the work of ten people. She has helped put together an Integrated Regional Water Management Program (IRWMP) grant. It looks like it might be accepted by the Department of Water Resources so Zone 7 may have quite a few more dollars to help with the conservation program. Zone 7 stands to gain a half million of the six million dollar grant because of Robyn's personal efforts over the past few months. She is organized and cheerful.

Director Palmer complimented Robyn regarding a friend's interaction with her over a low flow toilet rebate application.

Item 7 – Historical Narrative of the Chain of Lakes by Former General Manager, Mun J. Mar

President Greci began the introduction for past Zone 7 General Manager Mun Mar by referring to him as the person responsible for having the foresight and being a visionary in getting Zone 7 in the position we are now by working with the quarry operators and establishing the Chain of Lakes.

Carol Mahoney, Associate Geologist, continued the introduction of Mr. Mar saying he has shared his recollections of what happened during his tenure as General Manager and the background for the negotiations for agreements with quarry operators and other information that will help Zone 7 in the future from a historic perspective.

Mr. Mar shared his historical narrative of Livermore-Amador Valley gravel mining and the Chain of Lakes with the Administrative Committee on March 31, 2011. A summary paper was provided, which was distributed to the Board to aid in the series of presentations on Chain of Lakes "opportunities" that is currently scheduled over the next few months.

In conclusion, Mr. Mar stated that once mining is completed, Zone 7 will come into possession of a completely secured series of lakes, interconnected with controllable conduits, for the conveyance and storage of water. Mr. Don Kahler of PGC was present and confirmed this. Additionally, there should be a sizable fund from fees collected to purchase extra water to replace some of what was lost in years past. Additional to the water supply management capability is the potential for flood control and the maintenance of the Zone's Flood Control channels. Cope Lake might be developed for flood detention. There will be an area set aside for Zone 7 outside PGC's lakes that could be useful for disposal of silt materials removed from the Zone's flood control channels. Such materials can also be placed in Cope Lake. There are lots of options to deal with and see what is more cost effective and efficient to maximize water rights.

The Directors expressed their appreciation for his presentation.

Item 8 – Pilot Use of Mitigation Funds for Restoration/Enhancement Projects: Caltrans and Alameda County Surplus Property Authority (ACSPA) Mitigation at Stanley Reach on Arroyo Mocho

Associate Geologist Carol Mahoney gave an update on the proposed pilot project on the Arroyo Mocho including opportunities for using mitigation funds that will become available from Caltrans and other entities, opportunities to fund long-term maintenance on our stream channels, and to fund those elements of the SMMP related to habitat enhancements. This was presented to the Administrative Committee on March 31, 2011.

Carol's presentation included the following questions and main points:

- Project goals.
- Looking at different channel configurations.
- Better understanding of how sediment moves through our system.
- The science behind what a natural channel would look like in Zone 7's system on the Arroyo Mocho.
- How would a modified channel affect the sands and gravels that are moving through our system today?
- Looking at creating additional capacity by adding floodplains.
- Reducing velocity within a channel.
- Habitat enhancement and fish passage.
- What options we have for seeing if it is possible for us to reduce temperature enough along that stream corridor to inform development of a TMDL by the Regional Water Quality Control Board?
- Long-term maintenance on channels that are opportunities for alternative funding. If someone mitigates on your property, they can be required to provide a certain type of endowment (annual payment or lump sum) which is a way to help Zone 7 look at maintaining the site in the long run without the expense coming out of our general flood control fund.

After some questions and discussion by Directors Quigley, Stevens, Machaevich and Palmer, Director Figuers expressed that he felt that in the long run such habitat enhancements will be too expensive to maintain and recommended voting against it.

On a motion by Director Stevens and seconded by Director Palmer, Resolution No. 11-4074 was adopted by a roll call vote of 6-1 with Director Figuers voting no.

Item 9 - Zone 7 Annex to the Association of Bay Area Governments' Multi- Jurisdictional Local Hazard Mitigation Plan, Taming Natural Disasters, for the San Francisco Bay Area

President Greci reminded everyone that it is a public hearing and all input from the audience will be noted before a motion is made.

Kurt Arends, Assistant General Manager of Engineering, gave a quick summary explaining that the federal Disaster Mitigation Act of 2000 requires that all local agencies in the country adopt a federally-approved Local Hazard Mitigation Plan (LHMP) in order to receive disaster mitigation funds from the Federal Emergency Management Agency (FEMA). This plan must be updated every five years. In order to facilitate development of this plan, Zone 7 partnered with the

Association of Bay Area Governments (ABAG) to develop a Multi-Jurisdictional LHMP that addresses the whole Bay Area. In order to participate and take advantage of this regional effort, Zone 7 staff had to prepare a local Annex to the regional plan as well as mitigation strategies. The Annex itself is focused on issues specific to Zone 7 and our area. By going through this effort, Zone 7 staff are able to Annex and use this regional effort to streamline our process and adopt the common mitigation for the entire area.

The Annex was pre-approved by FEMA in mid-March 2011 pending adoption by the Zone 7 Board. Staff is recommending adoption of the Resolution to approve the Zone 7 Annex and adopt the ABAG Multi-Jurisdictional *Taming Natural Disasters* LHMP as the Zone 7 LHMP as modified by the Zone 7 Annex after hearing any public comments that may be heard at this board meeting.

Diana Gaines, Senior Engineer, and Sara Whatley, Safety Technician, were key in developing this Annex and working with ABAG on it.

Director Figuers asked questions regarding liquefaction and also if there was a major earthquake and we lost power to the wells, how would we supply water? Ms. Gaines responded that there are several different plans dealing with losing utilities and/or damages from earthquakes in the Emergency Operations Plan. This is an overall plan with lots of sub-plans. Ms. Gaines said the Annex actually highlights all the different things we have been doing and have already done which pre-dates the disaster mitigation plan.

Director Bill Stevens left.

Since there were no comments from the public, Director Greci closed the public hearing. Director Palmer moved and Director Figuers seconded a motion to approve the Zone 7 Annex and adopt ABAG's Multi-Jurisdictional Plan "*Taming Natural Disasters*" as Zone 7 Water Agency's Local Hazard Mitigation Plan as modified by the Zone 7 Annex. Resolution No. 11-4075 was approved by a roll call vote of 6-0 with Director Stevens absent.

Item 10 - Award of Contract for Operated Equipment Supply Contract for Maintenance and Emergency Work For Flood Control Facilities, Project No. 211-11

Assistant General Manager of Engineering Kurt Arends described the primary maintenance contract for flood control facilities as an annual contract typically extended for three years and then re-advertised with a competitive bid process. Fanfa, Inc. won the bid with a total bid amount of \$723,900.

A brief slide overview of the work done with the Channel Maintenance Program was given by Joe Seto, Principal Engineer in Flood Control, in order to show the work done by this contract and through the flood maintenance program.

Zone 7 owns and maintains about 37 miles of flood control channels; 10 percent are concrete-lined channels and ninety percent are earthen channels. There are three types of maintenance activities: major maintenance repair; emergency repairs (both maintenance and emergency repairs are handled by this contract); and routine maintenance activities performed by other contracts.

Director Moore asked if Fanfa had been the contractor in the past and if their performance has been satisfactory? He also asked about slope repairs and if slope stability can be engineered? Mr. Seto replied that it is hard to have a proactive plan and predict failure or high ground water at certain locations. Historically the Pleasanton area at #I-680 used to be a lake so the materials are not the best and at the mercy of Mother Nature.

Director Figuers talked about the plate piles. Joe Seto said they experimented with plate piles for 400 feet along the Arroyo Mocho and re-compacted the surface. There has been some success. No horizontal cracks and no vertical separation so will try it for another four years. The Board was asked to authorize the General Manager to negotiate and issue change orders for an amount needed not to exceed \$85,000 annually. In addition, the General Manager would be authorized to extend the contract for up to two additional one-year periods and adjust the Contract Unit Prices in accordance with the contract documents.

On a motion by Director Quigley and seconded by Director Palmer, Resolution No. 11-4076 was adopted by a roll call vote of 5-0-1 with Director Machaevich abstaining and Director Stevens absent.

Item 11 - Proposed Budget for Fiscal Year 2011/12

John Yue, Assistant General Manager of Finance, reported that the FY 2011/12 budget had been presented to the Finance Committee in addition to meetings with the Retailers to preview the proposed budget. The Finance Committee reviewed the numbers and recommended that it be taken to the full board. Current numbers from the original budget have been adjusted due to the El Charro Specific Plan that was appropriated in December 2010.

Tamara Baptista, Financial and Systems Services Manager, clarified that with the El Charro Specific Plan staff went to the Board and got an additional \$10 million appropriated and that impacted two funds, the General Fund/Flood Control (Fund 50) and Flood Protection/Stormwater Drainage DIF (Fund 76). After a meeting with the Finance Committee on March 29, 2011, the budget was discussed in detail including the three operating funds and three capital funds, revenue and expenses from each fund, and significant changes from year to year. There were a few follow-up items from the Finance Committee and a couple of them were addressed in the Staff Report, "Quarterly Report for Expansion of Fund 73" including a graph showing the number of connection fees and a timeline for the ISA which were requested by Director Figuers. He also requested a revenue graph that showed expenses and the use of the fund balance or fund balance versus treated water sold along with formatting suggestions. The result is the budget book binder that was included in the board members' agenda packets.

The budget summary for Operating Funds is \$91 million; the budget summary for Capital Funds is \$29.7 million. Proposed budgets provide for expenses and revenue levels that meet a balanced budget.

Recent issues that impact the 2011/2012 budget include: conservation (SBX7-7); economy (lower revenue estimates are being used and there is concern about increasing oil prices); and the Asset Management Program Study (a new study will be presented to the full Board in June).

Director Moore added for the board's information that the new Asset Management Plan will be taken into consideration with the new water rate discussions in the fall, but at this time the projected water rate increase is 5 percent for CY 2012 and that is built into this budget.

The recommended action was to adopt the resolution authorizing the General Manager to adjust accounts as necessary to account for any changes in available fund balances, revenues, or expenditures. On a motion by Director Quigley and seconded by Director Machaevich, Resolution No. 11-4077 was adopted by a roll call vote of 6-0 with Director Stevens absent.

Item 12 – Committees – Finance Committee Minutes for March 29, 2011
– Administrative Committee Minutes for March 31, 2011
– Delta Committee Minutes for March 31, 2011

There was no discussion on any of the committee meetings.

Item 13 - Items for Future Agendas – Directors

No future agenda items were proposed.

Item 14 - Reports - Directors

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

Director Palmer commended staff for the Staff Report, "Hydrostratigraphic Investigation of Lakes C and D" (15f) and the fact that the work was done by in-house staff instead of by consultants. President Greci agreed that the Board has been trying to promote more in-house work and less consultants and the quality of the report was as good as any outside consultant could have put together. General Manager Jill Duerig concurred that it was a great job by in-house staff and that in-house staff also applied for and received a grant for a quarter million dollars to do the construction.

Item 15 – Staff Reports (Information items.)

- a. General Manager's Report
- b. Recent & Upcoming Public Outreach Activities
- c. Legislative Update
- d. Status Report on Separation Efforts
- e. Quarterly Update of Expansion Fund
- f. Report for Hydrostratigraphic Investigation of Lakes C and D
- g. Verbal Reports

General Manager Jill Duerig added a verbal report regarding the Department of Water Resources increasing Zone 7's water allotment from 70 to 80 percent.

The Board went into closed session at 9:20 p.m.

Item 13 - CLOSED SESSION

- a) Conference with Labor Negotiators:
Agency Negotiator: G.F. Duerig
Employee Organizations: Alameda County Management Employees Association;
Alameda County Building and Construction Trades Council, Local 342, AFL-CIO; International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; Local 1021 of the Service Employees International Union, CTW; Unrepresented Management.
- b) Conference with Legal Counsel-Existing Litigation pursuant to Subdivision (a), Government Code Section 54956.9:

Watershed Enforcers v. Department of Water Resources, et al., Alameda County Superior Court No. RG06292124

Item 14 – OPEN SESSION AND REPORT OUT OF CLOSED SESSION

Following closed session, President Greci announced that the Board had voted 6 to 0 (Director Stevens absent) to approve a Settlement Agreement in the matter of *Watershed Enforcers v. Department of Water Resources*, for the payment of attorney fees in the amount of \$220,000. The settlement will not require any direct payment of funds by Zone 7.

The meeting was adjourned at 9:45 p.m.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Water Supply Engineering
CONTACT: Amparo Flores/Jarnail Chahal

AGENDA DATE: May 18, 2011

ITEM NO. 5a

SUBJECT: Memorandum of Agreement to Conduct Site-Specific Analysis of the Bay Area Regional Desalination Project

SUMMARY:

- Zone 7 Water Agency (Zone 7) is investigating backup water supply sources as part of its 2011 Water Supply Evaluation (WSE) due to reduced reliability of the State Water Project (SWP) and uncertainty in the Sacramento-San Joaquin Delta (Delta). The Bay Area Regional Desalination Project (BARDP) is one of the potential sources for the Intertie Portfolio being evaluated as part of the WSE because it could provide a drought-resistant, high-quality water supply that will reduce reliance on the SWP while also diversifying Zone 7's existing water supply mix.
- In May 2010, Zone 7 Water Agency (Zone 7) accepted an invitation from East Bay Municipal Utility District (EBMUD), San Francisco Public Utilities Commission (SFPUC), Santa Clara Valley Water District (SCVWD) and Contra Costa Water District (CCWD) to join the BARDP partnership, which is currently evaluating the feasibility of a regional desalination facility to serve over five million customers in the San Francisco Bay Area.
- In 2010, the BARDP partners evaluated water rights opportunities and limitations in various locations, developed an institutional framework, and identified the proposed location as eastern Contra Costa County.
- The BARDP partners are evaluating a 25 MGD desalination plant using new and/or modified water rights. Water from the BARDP could be wheeled to Zone 7 through a future intertie with EBMUD.
- The next phase of the BARDP is site-specific analysis that includes hydraulic modeling to determine EBMUD systems wheeling capacities and costs, modeling of BARDP impacts on the Delta, and greenhouse gas reduction analysis. The next phase will also include public outreach for this complex project, as well as pursuit of grant funding.
- A Memorandum of Agreement (MOA) has been developed for the next phase of work, with an estimated cost of \$200,000 per BARDP partner.

FUNDING:

This project is funded 35% from Fund 72 (Renewal and Replacement/System-Wide Improvements) and 65% from Fund 73 (Expansion).

RECOMMENDED ACTION:

Adopt the attached resolution authorizing the General Manager to negotiate and execute the MOA to Conduct Site-Specific Analysis of the BARDP.

ATTACHMENTS:

- Memo with additional background information
- Zone 7 Board Resolution

Interoffice Memo

Date: May 18, 2011
To: Jill Duerig, General Manager
From: Amparo Flores, Associate Civil Engineer, Water Supply Engineering
Subject: Memorandum of Agreement to Conduct Site-Specific Analysis of the Bay Area Regional Desalination Project

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

BACKGROUND

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

Bay Area Regional Desalination Project: Purpose and Participants

Since 2003, the Bay Area's four largest water agencies—East Bay Municipal Utility District (EBMUD), San Francisco Public Utilities Commission (SFPUC) Santa Clara Valley Water District (SCVWD) and Contra Costa Water District (CCWD)—have been working together to evaluate the feasibility of a regional desalination facility to improve water supply reliability for the more than five million people served by these agencies. The BARDP has the following potential benefits:²

- minimize potential adverse environmental impacts associated with the construction of separate desalination plants by each agency in close proximity to one another and construction of other new facilities;
- provide substantial cost savings through economies of scale, such as pooling resources and sharing of project administration, as compared to individual projects conducted separately by the agencies;
- promote a strong regional cooperation concept by joint ownership, operation, and management of a regional desalination facility that will serve the needs of multiple water providers in northern California;
- provide water during emergencies such as earthquakes or levee failures;
- provide a supplemental water supply source during extended droughts; and
- allow major facilities, such as treatment plants, water pipelines, and pump stations, to be taken out of service for maintenance or repairs.

Zone 7 Joined the BARDP Partnership in 2010

In May 2010, Zone 7 Water Agency (Zone 7) formally accepted an invitation to join the BARDP partners. As a partner, Zone 7 is evaluating the feasibility of receiving up to 5,600 acre-foot (AF) of water every year, or only during normal/wet years, from the BARDP starting around the year 2020. This would be equivalent to 5 million gallons per day (MGD) over twelve months.

¹ The full results of the Water Supply Evaluation are expected to be presented to the Board at the June 2011 Board meeting.

² MWH, 2010. Bay Area Regional Desalination Project: Pilot Testing at Mallard Slough – Pilot Plant Engineering Report.

BARDP Accomplishments in 2010

In 2010, the BARDP partners, along with Zone 7, evaluated water right opportunities and limitations in various locations around the San Francisco Bay Area, developed an institutional framework for how partners can receive water from the BARDP, and identified a proposed location and capacity. Locations that were considered included eastern Contra Costa County, near Carquinez Bridge, and near the Bay Bridge. At this time, the most likely location for a desalination plant is in eastern Contra Costa County. In addition to the availability of CCWD's existing water rights (and potentially other municipalities' water rights) for potential use by the BARDP, there are also existing intake, outfall, power supply, and transmission facilities that could be co-used by the BARDP at this location; co-use of facilities could reduce costs and environmental impacts.

Based on existing constraints, including the availability of water rights, the BARDP partners are evaluating the feasibility of constructing a 25-MGD³ desalination plant as the initial phase. Desalinated water could be fully treated or require further treatment to potable water standards depending on the delivery point into either the CCWD or EBMUD system. Brine from the desalination plant could be blended with discharges from wastewater treatment plants located in the vicinity of the desalination plant, including the Central Contra Costa Sanitary District and the Delta Diablo Sanitation District. Power to the desalination plant could be provided by Pacific Gas and Electric or nearby power plants. Zone 7's water supply from the BARDP would be wheeled through EBMUD's distribution system for delivery to Zone 7 via a new reliability intertie⁴, as shown on Figure 1.

Next Phase: 2011 to 2012

With a proposed location and potential size identified, the next phase of the BARDP is site-specific analysis, which is discussed below.

³ Accounting for brine losses, the desalinated water produced would be 20 MGD.

⁴ A new reliability intertie with another agency such as EBMUD has benefits that extend beyond the BARDP; Zone 7 staff has been considering these benefits under the Water Supply Evaluation effort currently being completed.

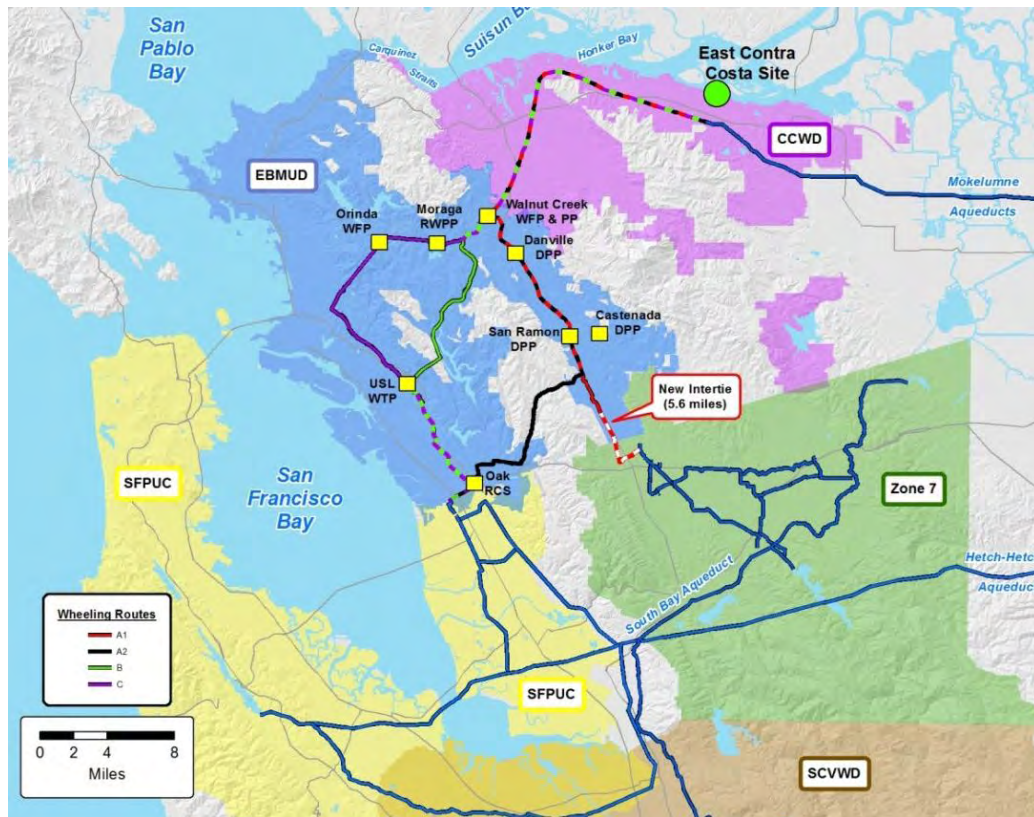


Figure 1. Potential wheeling routes for desalinated water produced by the BARDP at an eastern Contra Costa County site. A1 shows the likely water wheeling route to Zone 7 via a new intertie.

DISCUSSION

The next phase of the BARDP investigation will involve additional analysis necessary to better understand the opportunities and limitations associated with the identified site location. More specifically, the BARDP partnership will complete the following scope:

- hydraulic modeling to determine EBMUD system's wheeling capacities and costs,
- modeling of BARDP impacts on the Sacramento-San Joaquin River Delta (Delta),
- analysis and optimization of storage,
- greenhouse gas reduction analysis,
- public outreach, and
- pursuit of grant funding.

The scope of the next phase was developed based on recommendations by the staff and managers of the BARDP partners, and is designed to address technical, environmental, institutional, and financial issues that are critical to determining the BARDP's feasibility.

A Memorandum of Agreement (MOA) has been developed to set forth the roles and responsibilities of the BARDP partners in the next phase, including the equal sharing of costs equivalent to \$200,000 per partner (\$1 million in total costs). The scope items included in the next phase are summarized in Table 1. Note that EBMUD and CCWD will be performing modeling work in-house, to be compensated by the other partners. This is expected to result in overall cost savings.

Table 1. Scope of Work in the Memorandum of Agreement

SCOPE ITEM	WORK TO BE DONE BY	LEAD AGENCY	COST
Hydraulic Analysis for Wheeling Water – evaluation of EBMUD system’s capacity to wheel water to Zone 7, SFPUC, or SCVWD under future conditions.	EBMUD	EBMUD	\$470,000
Delta Modeling – evaluation of the desalination plant’s impacts to the Delta water quality and supply conditions.	CCWD	CCWD (Zone 7 to facilitate TAC ^a)	\$210,000
Fisheries Modeling – evaluation of the desalination plant’s impacts to sensitive fish species found in the vicinity of Mallard Slough Pump Station intake located in the Delta.	CCWD	CCWD (TAC ^a to be led by Zone 7)	\$130,000
Storage Optimization – analysis of how storage in CCWD’s Los Vaqueros Reservoir can be incorporated to maximize water delivery to the partners.	CCWD	CCWD	\$40,000
Greenhouse Gas Reduction Analysis – analysis of potential greenhouse gas (GHG) emissions and development of GHG emission reduction strategy.	Consultant	Zone 7	\$60,000
Outreach Strategy – development of a communications plan to engage stakeholders and gather input for the planning and design of the desalination plant.	Consultant/ Partners	SFPUC	\$0 ^b
Sub-Total			\$910,000
Contingency			\$90,000
TOTAL			\$1,000,000
Contribution by Each Partner			\$200,000

a. TAC - Technical Advisory Committee. This will consist of representatives from each BARDP partner.

b. Funds are available in the Public Outreach budget of the BARDP Pilot Test work completed in early 2010.

As presented in Table 1, Zone 7’s key roles in the BARDP’s next phase are: 1) to procure and manage a consultant to complete a greenhouse gas reduction analysis and 2) to facilitate a Technical Advisory Committee that will oversee the Delta and fisheries modeling work. All partners will continue to provide staff to participate in general project management and coordination, deliverable reviews, outreach, etc. The next phase of the BARDP will commence on July 1, 2011 and will continue through 2012.

Considering the potential benefits of the BARDP towards the increased reliability of Zone 7’s system, staff recommends that Zone 7 execute the “MOA Between Zone 7, SFPUC, CCWD, EBMUD, and SCVWD to Conduct Site-Specific Analysis of the BARDP.” This is consistent with the recommendation in the Water Supply Evaluation to be presented to the Board in June 2011.

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

INTRODUCED BY
SECONDED BY

AUTHORIZATION TO NEGOTIATE AND EXECUTE THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN ZONE 7 WATER AGENCY (ZONE 7), SAN FRANCISCO PUBLIC UTILITIES COMMISSION (SFPUC), CONTRA COSTA WATER DISTRICT (CCWD), EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD), AND SANTA CLARA VALLEY WATER DISTRICT (SCVWD) TO CONDUCT SITE-SPECIFIC ANALYSIS OF THE BAY AREA REGIONAL DESALINATION PROJECT (BARDP)

WHEREAS, in May 2010, Zone 7 formally accepted an invitation to join the BARDP partners to pursue regional desalination as a potential water supply option that could enhance the reliability of Zone 7's water supply system; and

WHEREAS, the combined effort of the BARDP partners has the potential to minimize environmental impacts and provide substantial cost savings through economies of scale for over 5 million people served by the BARDP partners; and

WHEREAS, in 2010, the BARDP partners evaluated water rights opportunities and limitations in various locations, developed an institutional framework, and identified eastern Contra Costa County as the proposed location; and

WHEREAS, an MOA has been developed for the next phase of the BARDP that will focus on site-specific analysis with costs shared equally among the partners at \$200,000 per participating agency;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute the MOA to Conduct Site-Specific Analysis of the BARDP.

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

May 18, 2011

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Water Supply Engineering

CONTACT: Steven Ellis/Jarnail Chahal

AGENDA DATE: May 18, 2011

ITEM NO. **5b**

SUBJECT: Award of Contract for the Camp Parks and Test Well Destructions Project
Project No. 213-11

SUMMARY:

- The Camp Parks and Test Well Destruction Project includes the destruction of the former Camp Parks Well No. 3 along with the Zone 7 test well that is located adjacent to both the Camp Parks well and Zone 7's Mocho Well No. 3.
- The Camp Parks well is being destroyed to fulfill one of the requirements for obtaining the property easement for the Mocho Groundwater Demineralization Plant from Dublin San Ramon Services District (DSRSD). The test well is being destroyed as it is suspected that this well could be the source of the recent increase in TDS at Mocho Wells No. 3 & 4.
- The project is categorically exempt from CEQA review. The Notice of Exemption is scheduled to be filed with the County by May 20, 2011.
- The project was advertised in two local papers and on Zone 7's website.
- On May 4th, in accordance with established procedures, bids were received, opened, and publicly read.
- Three bids ranging from \$85,700 to \$153,165 were received.
- The Engineer's estimate for the project scope under this contract is \$74,000. After reviewing the bids, it is clear that there was more uncertainty and complexity in destroying the 760 feet deep Test Well than accounted for in the original Engineer's estimate.
- Bids were reviewed by Zone 7 staff and it was determined that the lowest responsive and responsible bidder is Maggiora Brothers Drilling Inc. with a bid of \$85,700.

FUNDING:

The project is funded 80% from Fund 72 - Renewal and Replacement / System-Wide Improvements and 20% from Fund 73 – Expansion. Funds are available in the FY 2010/11 budget.

RECOMMENDED ACTION:

Consider bids for the construction of the Camp Parks and Test Well Destructions Project and adopt the attached resolution to:

- Approve plans, specifications, appendices and addenda;
- Accept the bid and award a contract to Maggiora Brothers Drilling, Inc., as the lowest responsive and responsible bidder for the bid amount of \$85,700;
- Authorize the General Manager to negotiate and execute the contract with Maggiora Brothers Drilling Inc.;
- Authorize the General Manager to issue change orders as and when required by the contract for an amount not-to-exceed \$8,570 (10% of contract amount).

ATTACHMENTS:

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

Interoffice Memo

Date: May 18, 2011
To: Jill Duerig, General Manager
From: Steven Ellis, Associate Civil Engineer
Subject: Award of Contract for the Camp Parks and Test Well Destructions Project, Project No. 213-11

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

BACKGROUND:

In order to construct the Mocho Groundwater Demineralization Plant Project (MGDP) on Dublin San Ramon Services District (DSRSD) property located adjacent to the Mocho 4 well, one of the conditions of Zone 7's easement agreement was the destruction of the existing Camp Parks wells located near Mocho Wells 3 & 4. The test well which is being destroyed was drilled in 1999 as part of the well siting program for Mocho Well 3. Staff believes that this test well may be acting as a conduit for the source of higher TDS water moving to the lower aquifer, resulting in increasing TDS in the Mocho 3 & 4 wells.

DISCUSSION:

The scope of the project includes pulling the pump from the Camp Parks Well and destruction of both the Camp Parks and test wells. The project is categorically exempt from CEQA review under Article 19, Section 15301 "Class 1 - Existing Facilities." The Notice of Exemption is scheduled to be filed with Alameda County by May 20, 2011. The project was advertised on April 22, 2011 and April 29, 2011 in two local newspapers. In addition, the project was advertised on Zone7's website. On May 4, 2011, in accordance with established procedures, the following bids were received:

<u>Name of Firm</u>	<u>Total Bid Amount</u>
Maggiora Brothers Drilling Inc.	\$85,700
Nor-Cal Pump & Well Drilling Inc.	\$127,930
WDC Exploration & Wells	\$153,165

The Engineer's estimate for the project scope is \$74,000. The bids have been reviewed by Zone 7 staff. The low bid was 15% higher than the engineer's estimate. The highest bid was a little over 200% of the engineer's estimate. Prior to the bid opening staff received several questions regarding this project, most of them related to the destruction of the 760-foot deep test well. When reviewing the bid sheets for all three bids submitted, the single highest bid item was Bid Item 5 - the destruction of the test well. It appears that based upon the number of questions received and the high bid price on this one bid item, there was more uncertainty and complexity on this bid item than accounted for in the Engineer's estimate, which resulted in higher bids for this item. Based on the review of bids, staff believes that the low bid is a fair and reasonable bid for this scope of work.

Staff recommends the award of contract to the lowest responsive and responsible bidder, Maggiora Brothers Drilling, Inc., for an amount not-to-exceed \$85,700 based on their bid for Project No. 213-11.

SCHEDULE:

Construction is scheduled to commence during late June and substantial completion of the project is anticipated by the end of July.

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Resolution Awarding Contract for the Camp Parks and
Test Well Destructutions Project, Project No. 213-11**

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District has a project, Camp Parks and Test Well Destructutions Project; Project No. 213-11; and

WHEREAS, said project was advertised, bids were taken, were opened and publicly read; and

WHEREAS, on May 4, 2011, the following bids were received:

<u>Name of Firm</u>	<u>Total Bid Amount</u>
Maggiora Brothers Drilling Inc.	\$85,700
Nor-Cal Pump & Well Drilling Inc.	\$127,930
WDC Exploration & Wells	\$153,165

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby approve the plans, specifications, appendices and addenda for the Camp Parks and Test Well Destructutions Project; and

BE IT FURTHER RESOLVED that the bid of the lowest responsive and responsible bidder, Maggiora Brothers Drilling Inc., be accepted, and that the contract for the work be awarded to Maggiora Brothers Drilling Inc. for an amount not to exceed \$85,700; and

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

BE IT FURTHER RESOLVED that the General Manager be authorized to negotiate and issue change orders as and when required by the contract for an amount not to exceed \$8,570.

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

May 18, 2011

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTIONS: WATER SUPPLY ENGINEERING
CONTACT: JILL DUEBIG

AGENDA DATE: May 18, 2011

ITEM NO. 5c

SUBJECT: Amendment to Contract with Liebert Cassidy Whitmore to Provide Legal Services for Ongoing Legal Support for Employment Issues

SUMMARY:

- Zone 7 has an existing contract (A11-137-LIE) with Liebert Cassidy Whitmore (“LCW”) for \$50,000 to provide legal services in connection with employee disciplinary issues.
- This amendment for \$120,000 is required to continue providing legal services for the anticipated legal and trial support for employee disciplinary issues.
- With the amendment, the total not-to-exceed contract will be for \$170,000.
- Staff recommends adoption of the attached resolution authorizing the General Manager to negotiate and execute said contract amendment.

FUNDING:

The project is funded from Fund 50 – General Flood Control and Fund 52 – Water Operations.

RECOMMENDED ACTION:

Adopt the attached resolution authorizing the General Manager to negotiate and execute a contract amendment with Liebert Cassidy Whitmore for \$120,000 for a total not-to-exceed amount of \$170,000 for legal services in connection with employee disciplinary issues.

ATTACHMENT: Resolution

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

BE IT RESOLVED that the Zone 7 Board of Directors of Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute a contract amendment to Contract No. A11-37-LIE, with Liebert Cassidy Whitmore increasing the contract amount by \$120,000 for a total not-to-exceed contract amount of \$170,000 to provide legal support services for employee disciplinary issues.

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

May 18, 2011

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: OFFICE OF THE GENERAL MANAGER

CONTACT: CAROL MAHONEY

AGENDA DATE: May 18, 2011

ITEM NO. 5d

SUBJECT: Alameda County Surplus Property Authority (ACSPA) Mitigation Request: Pilot Use of Mitigation Funds for Restoration/Enhancement at Stanley Reach on Arroyo Mocho

SUMMARY:

- Information on this pilot project was presented at the April 20, 2011 Board meeting.
- ACSPA, in conjunction with the City of Pleasanton, approached Zone 7 Staff in 2010 to seek mitigation sites for riparian impacts being caused by other projects. Zone 7 Staff have been exploring options for whether this type of mitigation partnership would be beneficial to funding restoration/enhancement projects identified in the SMMP. This pilot project would allow Zone 7 to evaluate if these partnerships provide an alternative funding source for habitat improvement projects that are not in conflict with our flood protection needs.
- The Stream Management Master Plan (SMMP) identified Project R.3-5 (Stanley Reach) for stream channel enhancements, increased riparian vegetation, and fish passage improvements. These project elements are aligned with mitigation needs. A location map is provided in attached memo.
- In order to fulfill the requirements necessary for ACSPA and the City of Pleasanton to receive environmental permits for the installation of the Stoneridge Drive Bridge over the Arroyo Mocho near Staple's Ranch, a resolution from the Board on concurrence that mitigation by ACSPA on Zone 7 property will be permitted is necessary.
- This resolution is similar to those approved by the Board for the City of Livermore's mitigation on Zone 7 owned property on the Arroyo las Positas for their El Charro Specific Plan in July 2010. Likewise, the Board approved a similar resolution for Caltrans in April 2011 for the Stanley Reach Pilot Project.

FUNDING:

No funding required for this action; however, future funding may be requested from Fund 50 and/or Fund 76.

RECOMMENDED ACTION:

Adopt attached resolution.

ATTACHMENTS:

- Memo Providing Additional Background and Discussion with Location Map
- Resolution

Interoffice Memo

Date: May 18, 2011
To: Jill Duerig, General Manager
From: Carol Mahoney, Acting Senior Geologist
Subject: Alameda County Surplus Property Authority (ACSPA) Mitigation Request: Pilot Use of Mitigation Funds for Restoration/Enhancement at Stanley Reach on Arroyo Mocho

BACKGROUND:

Zone 7 adopted the Stream Management Master Plan (SMMP) in August 2006. Project R.3-5 (now known as „Stanley Reach“) was identified as an area where stream channel enhancements, increased riparian vegetation, and fish passage improvements could be made. The SMMP project also identified this area as a location that is of interest for inclusion in the City of Livermore’s trail system. This reach of the Arroyo Mocho runs roughly east-west along Stanley Boulevard between Murrieta Boulevard and Isabel Avenue in the City of Livermore (Location map attached). This channelized section was originally constructed as a part of the Murrieta Meadows housing development in the late 1980’s. A low-flow, unimproved channel exists that runs through the neighborhood and represents the trace of the natural Mocho. This natural channel accepts flow from a grated pipe just upstream of the pedestrian bridge and connects with the mainstem channel downstream at the sedimentation basin. The mainstem channel is roughly 4,500 linear feet of open trapezoidal form, which has four grouted rock rip-rap grade control structures and one velocity dissipation structure known as the “Dragon’s Teeth.” The Dragon’s Teeth and a downstream sedimentation basin were added in 2000-2001 to address velocity issues in the channel and to facilitate the extension of Isabel Avenue under Stanley Blvd. The Dragon’s Teeth structure has been identified as a fish passage barrier in the SMMP.

In 2010, Zone 7 was approached by various outside entities, City of Livermore, Caltrans, Alameda County Surplus Property Authority (ACSPA), Alameda County Transportation Authority (ACTA), and private developments inquiring about mitigation in Zone 7 owned channels. Staff began exploring if allowing such mitigation would be an option for accomplishing the habitat enhancement projects of the SMMP without increasing the financial burden to Zone 7. This option also meets the goals of partnering to accomplish non-flood protection aspects of the SMMP. Project R.3-5 was identified as a potential pilot site because hydraulic modeling indicates that the mainstem channel has adequate freeboard for 100-year flood flows and has excess capacity to allow increased vegetation and added roughness.

This memo provides background on the proposed pilot project and a request for a resolution from the Board on concurrence that mitigation by ACSPA on Zone 7 property will be permitted. This resolution process is similar to that sought by the City of Livermore for their El Charro Specific Plan mitigation needs on the Arroyo las Positas in 2010, and by Caltrans on the Stanley Reach Pilot Project in April 2011.

DISCUSSION:

Changing Assumptions:

During the SMMP planning process, Project R.3-5 was identified as an area where the channel could be modified to increase floodplain connectivity, enhance sediment transport, and improve overall water quality by improved biofiltration from the increased vegetation. The planning effort had to make various assumptions regarding the regulatory requirements and financial partnering associated with the project. For example, it was assumed that the connection with the

local trails system would be facilitated by the City of Livermore or some other parks district. Likewise, regulatory entities had been loosely discussing the Livermore-Amador Valley's streams as a place where steelhead trout populations could live and breed. Several studies and reports regarding this species have been produced since the planning effort of the SMMP. Although recent studies suggest that steelhead may have never used the Arroyo Mocho as a breeding or rearing stream historically, there is interest in the regulatory community to preserve potential habitats for steelhead, where possible, to increase the chances for this species' survival.

Providing public access, education, and species preservation are goals that are aligned with the mission of Zone 7 and the SMMP; however, our financial focus, at least in the channels, is on providing flood protection. It became apparent in the years after the adoption of the SMMP that outside entities were unclear what Zone 7's financial obligations were with respect to the habitat and recreational aspects of SMMP projects. Staff has been seeking opportunities to demonstrate how Zone 7 could move these program elements forward with limited financial impact to Zone 7 by pursuing partnering opportunities of other organizations.

Models of 'Financial Sharing':

There are many models for how partnering on such projects can provide mutual benefits to the parties, allowing Zone 7 to facilitate the flood protection aspects and allowing others to contribute to the habitat and recreation portions. An existing example is the „recreational license agreement“ that we have with the various cities to allow our existing channel maintenance roads to be opened up to the public for trail access. In this example, the financial burden of providing and maintaining pedestrian access gates and accepting liability for the public's access is borne by the city or parks district with whom we have entered into a license agreement. Likewise, Zone 7 recently has been working with the City of Livermore on a joint agreement with respect to their El Charro Specific Plan improvements. Through these negotiations, agreement on sharing the responsibility of various maintenance elements and financial responsibility was reached. As a part of the City's project, they had a need to mitigate on a small part of Zone 7's property within the Arroyo las Positas. In addition to this mitigation, the City will also provide channel enhancements and additional riparian plantings. As a part of the right to mitigate on Zone 7 property, the long-term maintenance for this area will be paid by the City. In this manner, habitat enhancements can be made without Zone 7 incurring additional financial burden for elements outside our primary mission of providing flood protection. Another way that Zone 7 can facilitate habitat and recreational aspects of projects is through seeking grants. A recent grant proposal for this area will be discussed in the next section in the context of addressing new regulatory requirements.

Ever-changing Environmental and Regulatory Requirements:

Staying ahead of the curve on new and emerging environmental concerns and requirements can be challenging as scientific studies are continually updated and changes in governmental leadership affect the focus of regulatory bodies. Zone 7 and other similar agencies are being asked to address more and more environmental impacts each year from climate change to polluted stormwater run-off. In late 2010, a 303(d) listing for impairment for temperature was issued for the entire 34 miles of the Arroyo Mocho. To address this listing and to be in front of any Total Maximum Daily Load (TMDL) requirements that will likely be written in the future for this listing by the U.S. Environmental Protection Agency (EPA), Zone 7 began exploring options for lowering temperatures in the arroyo. A major factor in temperature fluctuation in streams is solar radiation; therefore, one approach to lowering water temperature is to increase riparian cover over the stream. Another contributing factor to overall stream temperature is the connectivity of the surrounding substrate with subsurface stream flows, so increasing stream

channel complexity (sinuosity and pool-riffle combinations) has a positive effect on reducing in-stream temperatures. In January 2011, Zone 7 partnered with Urban Creeks Council (UCC) on a grant proposal to the EPA to explore if modifications to the Stanley Reach including channel shape, depth, and vegetative cover could bring temperatures down low enough to address the needs of the primary species for which the temperature listing was created: steelhead trout. In late March, Zone 7 and UCC were informed that the EPA grant application was not selected for funding; however, the feedback from this process will be useful in informing other future grant efforts. Recognizing that any grant funding is subject to availability and dependent on very narrow requirements, Staff has been exploring if using outside mitigation funds or private mitigation banking companies might be other options for accomplishing project components.

Pilot Use of Outside Mitigation for Project Implementation:

During the negotiations with the City of Livermore, Caltrans and ACSPA approached Zone 7 Staff to seek mitigation sites for riparian impacts being caused by their respective projects. Because the mitigation needs of the El Charro Specific Plan were more directly related to the flood protection improvements being facilitated by the City of Livermore, the Board's direction on the use of Zone 7 property by outside entities for mitigation was only clear in that instance. Staff recommends that this question should be considered on a case by case basis; therefore, Staff has been exploring options for whether this type of mitigation partnership would be beneficial to funding restoration/enhancement projects of the SMMP not required for our own flood protection mitigation. The proposed pilot project will allow Zone 7 to evaluate if these partnerships provide an alternative funding source for habitat improvements that are not in conflict with our flood protection needs. Recent channel surveys and HEC-RAS modeling have been performed to confirm existing conditions. Because this site has adequate freeboard above the 100-year flood flow elevations within the existing channel, it is considered a "low-risk" site for increasing roughness by adding vegetation and was therefore selected as a candidate site for a pilot project.

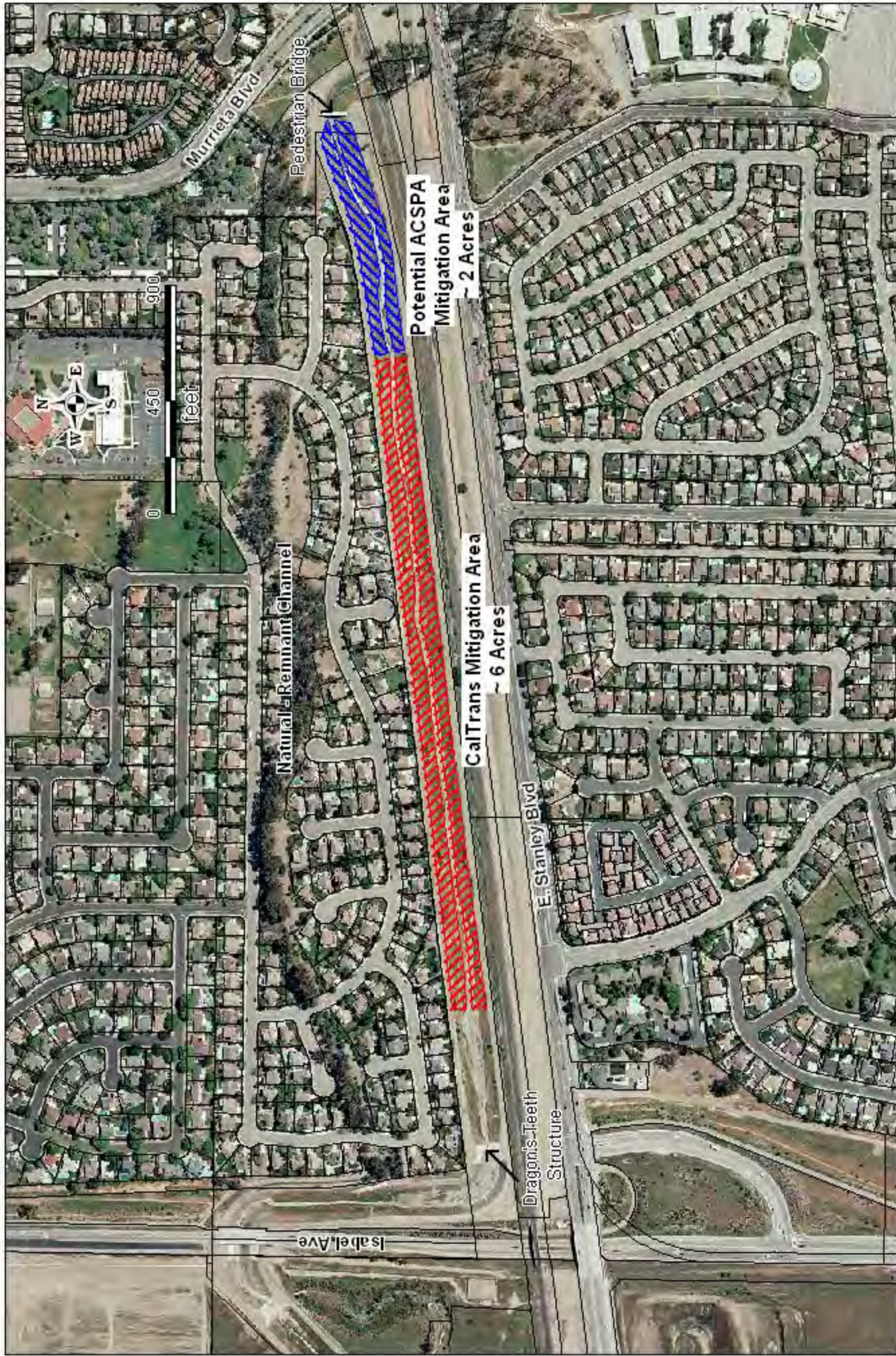
Alameda County Surplus Property Authority Needs:

ACSPA approached Zone 7 with the need to mitigate for riparian impacts from the extension of Stoneridge Drive over the Arroyo Mocho in Pleasanton near the Staple's Ranch area. ACSPA first approached Zone 7 with the need to mitigate on up to 2 acres of property in 2010, and options for locations were explored. ACSPA staff members have been meeting with the San Francisco Bay Regional Water Quality Control Board (RWQCB) to discuss their proposed project and possible mitigation options. Final details of financial participation will be worked out in a separate agreement between Zone 7 and ACSPA. The proposed mitigation would be installed in conjunction with other construction/installation activities at the Stanley Reach Pilot Project location.

To allow ACSPA to finalize their permits with the regulatory agencies, a resolution from the Board stating Zone 7's willingness to allow the mitigation on our property is necessary. This action is similar to what the Board approved in April 2011 for Caltrans at the Stanley Reach Pilot Project and the resolution approved by the Board in July 2010 for the City of Livermore.

RECOMMENDED ACTION:

Accept the information and adopt the attached resolution.



Zone 7 Water Agency
100 N. Canyons Pkwy
Livermore, CA 94551

Location Map of Potential Mitigation Sites for
Caltrans and Alameda County Surplus
Property Authority

Exhibit A



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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

WHEREAS, Zone 7 and the Alameda County Surplus Property Authority (ACSPA) staff have been in negotiations regarding mitigation on Zone 7 property to fulfill needs by ACSPA for riparian impacts; and

WHEREAS, the City of Pleasanton and ACSPA agree to provide the necessary engineering designs, modeling, and plans associated with the proposed Stoneridge Drive Bridge over the Arroyo Mocho in the vicinity of Staple's Ranch to Zone 7 staff for review and approval prior to issuance of any access permits or land rights; and

WHEREAS, this resolution is necessary to assure the San Francisco Bay Regional Water Quality Control Board that ACSPA has secured necessary mitigation for their impacts and to facilitate the issuance of the 401 Permit;

NOW THEREFORE, BE IT RESOLVED that the Board of Directors hereby declares that it is the Board's intent to grant access to ACSPA on Zone 7 property for the purposes of constructing, monitoring, and maintaining those elements associated with the identified mitigation measures to be more specifically defined in and subject to the Partnership Agreement being currently negotiated with ACSPA, and furthermore to enter into any other necessary legal agreements (to be finalized and brought for Board action at a later date) for the purposes of mitigation and channel restoration over certain real property, more specifically defined in Exhibit A, owned in fee by Alameda County Flood Control and Water Conservation District.

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

May 18, 2011

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

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

AGENDA DATE: May 18, 2011

ITEM NO. 5e

SUBJECT: EXCHANGE OF PROPERTIES WITH EDEN HOUSING AND KB HOME IN CONNECTION WITH THE ARROYO VISTA REDEVELOPMENT PROJECT NEAR ALAMO CREEK (LINE F) IN DUBLIN

SUMMARY:

Eden Housing, Inc., through an agreement with the City of Dublin, and KB Home Arroyo Vista, are redeveloping the Arroyo Vista housing site to provide both low-income housing and market-rate for sale units, respectively. The project is adjacent to Zone 7-owned Alamo Creek.

The developer's surveying consultant discovered areas of mutual encroachment where some of the Arroyo Vista property does not align with the Zone 7 access road. Zone 7 staff, City of Dublin staff and the project developers' engineer have worked together to resolve the encroachments and identified property exchanges meeting the needs of all parties, including providing two additional direct Zone 7 access points from a public street, Mariposa Lane.

The estimated value of the fee properties and access easements to be conveyed to Eden Housing and to KB Home are, in both cases, less than or equal to the value of the fee property and access easements to be acquired by Zone 7 from each of the developers, resulting in a no-cost transaction to Zone 7.

FUNDING:

There is no funding impact from this no-cost transaction.

RECOMMENDED ACTION:

Adopt attached resolutions accepting the fee properties and access easements from Eden Housing and KB Homes, and authorizing the General Manager to record same; and requesting and authorizing the Board of Supervisors of Alameda County Flood Control and Water Conservation District to approve granting the fee properties and access easements to Eden Housing and KB Homes and authorizing the General Manager to record same.

ATTACHMENTS:

Resolution
Vicinity Map
Property Exchange Summary Sheet
Conveyance Documents

INTEROFFICE MEMO

Date: May 18, 2011
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Via: John Yue, AGM
Subject: EXCHANGE OF PROPERTIES WITH EDEN HOUSING AND KB HOME IN CONNECTION WITH THE ARROYO VISTA REDEVELOPMENT PROJECT NEAR ALAMO CREEK (LINE F) IN DUBLIN

BACKGROUND/ DISCUSSION:

The Arroyo Vista housing site in the City of Dublin is being redeveloped process (project). Eden Housing, Inc., a non-profit developer, and KB Home Arroyo Vista, LLC, a market-rate developer, are building a new development to replace 150 units of public housing on the 23.8-acre Arroyo Vista site that was formerly owned by the Dublin Housing Authority (DHA). The DHA applied to HUD for demolition and disposition of the public housing because it was financially infeasible to complete the necessary repairs and renovation to maintain the project. HUD approved the application and the DHA sold the property to Eden and KB Home. Eden Housing is building on 10.79 acres a 50-unit Affordable Senior Apartment Community and a 130-unit Affordable Family Apartment Community that will be rented to lower income seniors and families. The California Tax Credit Allocation Committee (TCAC), the DHA, and the City of Dublin are the major funding sources for the Eden affordable housing. KB Home is building 198 privately financed for-sale at market price units on the remaining approximately 13 acres.

The Arroyo Vista project is adjacent to a portion of Alamo Creek south of Amador Valley Boulevard in Dublin. A joint use access road and trail is situated on Zone 7-owned property between the Alamo Creek and the project site. This creek area is open to the public through a recreational license agreement with the City of Dublin.

When surveying the site for the project, the developer's consultant discovered that the property line for the Arroyo Vista project does not align with the east edge of the creek access road. In some cases, the property line runs as much as 10 feet into the access road, and in other locations, the property line is within the Arroyo Vista project.

The TCAC funding was awarded to the Eden project on December 15, 2010, and all construction loans must be in place and closed, and the project must be ready to start construction by June 13, 2011 (within 180 days of the award). All the lenders require that the final property legal description must be in place for loans to close. If the loans are not closed prior to June 13, the \$23.8 million TCAC funding award will be taken away. The TCAC award represents the majority of the project funding, and the project will be infeasible without it. It was determined that the property boundary land swaps and easement changes that are being proposed to give Zone 7 clean boundaries as part of the final legal description must be approved, signed and recorded by May 31.

To resolve the mutual encroachment issues, Zone 7 and City of Dublin staff, and the project developers' engineer have worked together to assess the access road/trail and project needs, and identified a list of property exchanges to eliminate the encroachments. For Zone 7 to gain ownership rights to all the

needed access road areas, a series of fee property and easement rights exchanges between Zone 7 and Eden Housing, and between Zone 7 and KB Home are proposed.

In addition to the road/trail property, Zone 7 would receive two new access easements, one each from Eden Housing and KB Home, to directly access Alamo Creek from a public street, Mariposa Lane. This will provide Flood Control staff secondary points of access to the creek for maintenance.

Below is a summary of the proposed fee and easement property exchanges between Zone 7 and the developers, Eden Housing and KB Home, which will occur at no cost to Zone 7.

ARROYO VISTA – ALAMO CREEK PROPERTY EXCHANGE AND NEW EASEMENTS

Eden Housing Transactions

FEE PROPERTY EXCHANGED

No.	Area (SF)	Transfer From	Transfer To
70139	-998	Zone 7	Eden Housing
70138	622	Eden Housing	Zone 7
-376 SF			

ACCESS EASEMENTS EXCHANGED

No.	Area (SF)	Transfer From	Transfer To
70140	-901	Zone 7	Eden Housing
70136 *	8,017	Eden Housing	Zone 7
7,116 SF			

KB Home Transactions

FEE PROPERTY EXCHANGED

No.	Area (SF)	Transfer From	Transfer To
70134	-196	Zone 7	KB Homes
70137	572	KB Home	Zone 7
376 SF			

ACCESS EASEMENTS EXCHANGED

No.	Area (SF)	Transfer From	Transfer To
70135	-510	Zone 7	KB Home
70132	452	KB Home	Zone 7
70133 *	4,209	KB Home	Zone 7
4,151 SF			

**0 Net Area Increase or Decrease
to Zone 7 Fee Property**

**11,267 Net Area Increase to
Zone 7 Easements**

* New easement areas

The overall impacts of the transactions to Zone 7 result in no net gain or loss of fee property area. However, Zone 7 gains an additional 11,267 square feet (SF) of access easement areas with inclusion of the two direct access easements.

As a stand-alone transaction with Eden Housing, Zone 7 would lose 376 SF in fee property and gain an additional 7,116 SF in access easement area; considerably greater than the fee area lost. The value of the access easement Zone 7 would receive from Eden Housing would be greater than the fee property Zone 7 would grant to Eden Housing. The estimated value of the fee property and access easements to be conveyed to Eden Housing is less than or equal to the value of the fee property and access easements to be acquired by Zone 7 from Eden Housing. Therefore, compensation for conveying the fee and easements to Eden Housing is proposed to be a no-cost exchange for the fee property and access easement to be received by Zone 7. The grant of fee property and access easements to Eden will be recorded concurrent with the grant of the fee property and access easements to Zone 7.

As a stand-alone transaction with KB Home, Zone 7 would gain an additional 376 SF in fee property and an additional 4,151 SF in access easement area. The estimated value of the fee property and access easements to be conveyed to KB Home is less than or equal to the value of the fee property and easements to be acquired by Zone 7 from KB Home. Therefore, compensation for conveying the fee and easements to KB Home is proposed to be a no-cost exchange for the fee property and access

easement to be received by Zone 7. The grant of fee property and access easements to KB Home will be recorded concurrent with the grant of the fee property and access easements to Zone 7.

Zone 7's flood control staff have reviewed the property exchanges and determined that the proposed changes should not conflict or interfere with the use of the creek property by Zone 7 for flood control purposes.

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

Adoption of the attached resolution by the Board would authorize acceptance and recordation of the fee property and easements from Eden Housing and KB Home and request the Board of Supervisors to Approve the Grant Deeds and Quitclaim of Easements to Eden Housing and KB Home.

In order to meet the time line, Zone 7 staff has been working diligently and in parallel with the Alameda County staff to ensure that this action be submitted in time for the May 24, 2011 Alameda County Board of Supervisors meeting, contingent on the Zone 7 Board's approval of this item.

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

BOARD OF DIRECTORS

RESOLUTION NO. 11-4084

INTRODUCED BY
SECONDED BY

EXCHANGE OF REAL PROPERTY WITH KB HOME AND EDEN HOUSING
ACCEPT AND RECORD GRANT DEEDS AND ACCESS EASEMENTS
REQUEST AND RECOMMEND APPROVAL FOR GRANT DEEDS AND
QUITCLAIM OF ACCESS EASEMENTS TO KB HOME AND EDEN HOUSING

WHEREAS, Alameda County Flood Control and Water Conservation District is the owner of the real property known as Alamo Creek (Line F) in Zone 7 consisting of fee and access easement ownership, and the flood control facilities therein consisting of a creek with access roads; and

WHEREAS, in connection with the Arroyo Vista Redevelopment Project, Alameda County Flood Control and Water Conservation District, Zone 7 has offered to grant portions of the Line F property and quitclaim portions of the access easement to have the property line better coincide with the existing access road to KB Home Arroyo Vista LLC (KB Home) and Eden Housing Inc. (Eden Housing) in exchange for receiving fee parcels and access easements from KB Home and Eden Housing providing Zone 7 with better access to Line F; and

WHEREAS, KB Home requires fee simple property totaling 196 square feet and access easement area totaling 510 square feet, which are more particularly designated and described in the Exhibits for the conveyance documents Nos. 70134 and 70135, and by said reference are made a part hereof as though fully set forth herein; and

WHEREAS, KB Home has offered fee simple property totaling 572 square feet and access easement totaling 4,661 square feet to Alameda County Flood Control and Water Conservation District which are more particularly designated and described in the Exhibits for the conveyance documents Nos. 70132, 70133 and 70137, and by said reference are made a part hereof as though fully set forth herein; and

WHEREAS, the estimated value of the fee property and access easement to be conveyed to KB Home are less than, or equal to, the value of the fee property and access easement to be acquired by Zone 7 from KB Home; and

WHEREAS, Eden Housing requires fee simple property totaling 998 square feet and access easement area totaling 901 square feet, which are more particularly designated and described in the Exhibits for the conveyance documents Nos. 70139 and 70140, and by said reference are made a part hereof as though fully set forth herein; and

WHEREAS, Eden Housing has offered fee simple property totaling 622 square feet and access easement area totaling 8,017 square feet to Alameda County Flood Control and Water Conservation District which are more particularly designated and described in the Exhibits for the conveyance documents Nos. 70136 and 70138, and by said reference are made a part hereof as though fully set forth herein; and

WHEREAS, the estimated value of the fee property and access easement to be conveyed to Eden Housing are less than, or equal to, the value of the fee property and access easement to be acquired by Zone 7 from Eden Housing; and

WHEREAS, the granting of said fee simple properties and access easement areas have been reviewed by Zone 7's staff and it has been determined that said real property required for realigning the property line with the access road is not necessary for Zone 7's use and can be made available for conveyance to KB Home and Eden Housing; and

WHEREAS, conveyance documents have been prepared to grant fee property and to quitclaim access easement area to KB Home and Eden Housing to which reference is made to convey said real property, and by said reference is made a part hereof as though fully set forth herein; and

WHEREAS, conveyance documents in the form of a Grant Deed and Grant of Access Easement have been received from KB Home and Eden Housing, conveying real property to the Alameda County Flood Control and Water Conservation District to which reference is hereby made to convey said real property, and by said reference is made a part hereof as though fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Government Code Section 25365, this Board of Directors does hereby find and determine that fee simple and access easement interest in certain real property is no longer required for Zone 7 purposes and that the exchanges therefore of fee title and access easements from KB Home and Eden Housing are required for Zone 7 use as shown in the following tables:

Eden Housing Transactions

FEE PROPERTY EXCHANGED

No.	Area (SF)	Transfer From	Transfer To
70139	-998	Zone 7	Eden Housing
70138	622	Eden Housing	Zone 7
-376 SF			

ACCESS EASEMENTS EXCHANGED

No.	Area (SF)	Transfer From	Transfer To
70140	-901	Zone 7	Eden Housing
70136 *	8,017	Eden Housing	Zone 7
7,116 SF			

KB Home Transactions

FEE PROPERTY EXCHANGED

No.	Area (SF)	Transfer From	Transfer To
70134	-196	Zone 7	KB Homes
70137	572	KB Home	Zone 7
376 SF			

ACCESS EASEMENTS EXCHANGED

No.	Area (SF)	Transfer From	Transfer To
70135	-510	Zone 7	KB Home
70132	452	KB Home	Zone 7
70133 *	4,209	KB Home	Zone 7
4,151 SF			

**0 Net Area Increase or Decrease
to Zone 7 Fee Property**

**11,267 Net Area Increase to
Zone 7 Easements**

* New easement areas

BE IT FURTHER RESOLVED, that this Board of Directors does and it hereby requests and authorizes the Board of Supervisors of Alameda County Flood Control and Water Conservation District to approve said Grant Deeds and Quitclaim of Access Easements and to authorize the President of the Board of Supervisors to execute same.

BE IT FURTHER RESOLVED, that said Grant Deeds and Grant of Access Easements be and the same are hereby accepted, and the General Manager be authorized and directed to cause the same to be recorded at the Office of the Recorder of Alameda County.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

May 18, 2011

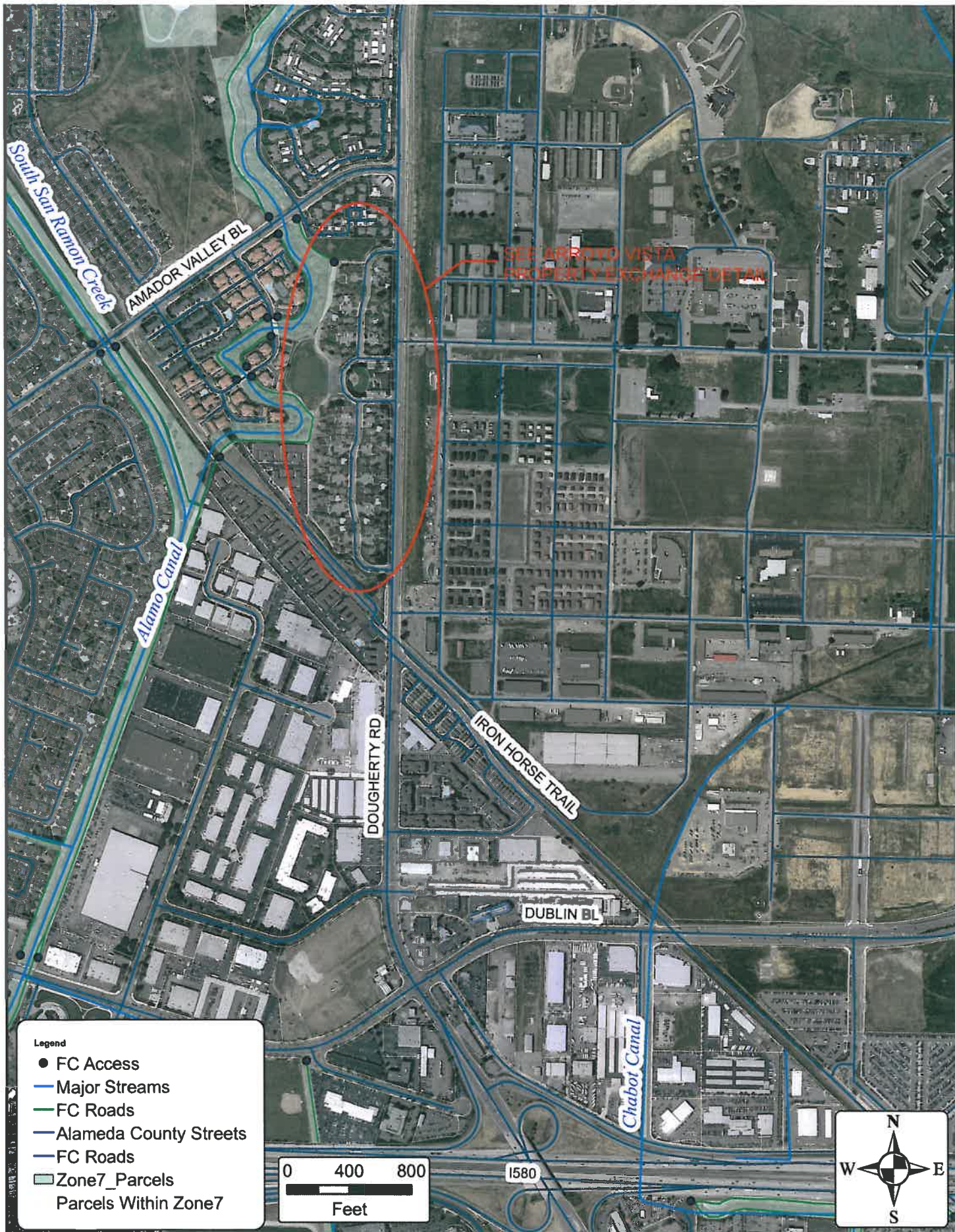
By

President, Board of Directors

Line F

Nos. 70132, 70133, 70134, 70135, 70136, 70137, 70138, 70139 & 70140

Map: RF 10094, RF 10095, RF 10096, RF 10097, RF 10098, RF 10099, RF 10100 & RF 10101



ZONE 7 WATER AGENCY
100 North Canyons Parkway
Livermore, CA

DRAWN: BW

REVIEWED: BW

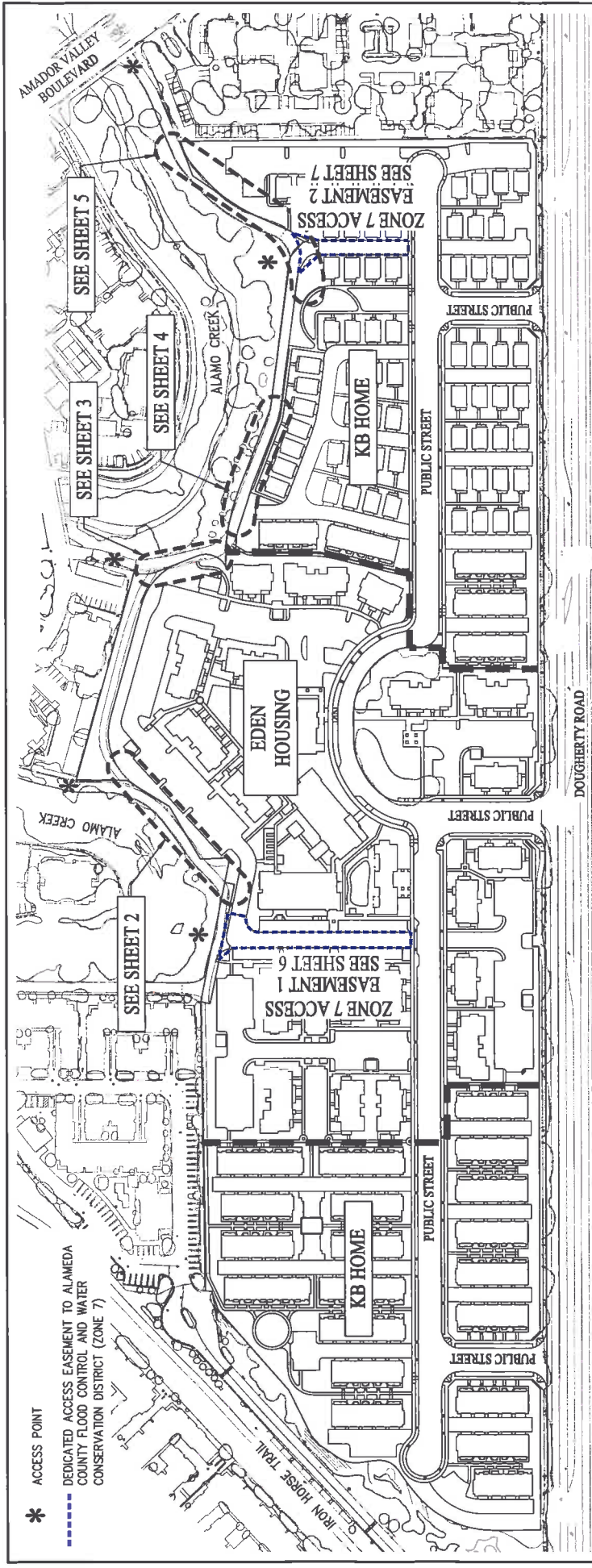
File:

SCALE: AS SHOWN

DATE: 5/6/2011

FIGURE #

Zone 7
ARROYO VISTA
PROPERTY EXCHANGE



PROPERTY EXCHANGE SUMMARY

PROPERTY EXCHANGE WITH EDEN HOUSING

NO.	SHEET	AREA (SF)	TRANSFER TO
FEE TITLE PROPERTY			
70139-A	2	714	EDEN HOUSING
70139-B	2	162	EDEN HOUSING
70139-C	3	122	EDEN HOUSING
70139-A	2	155	ZONE 7
70139-B	3	467	ZONE 7
NET		376	EDEN HOUSING
EASEMENTS			
70140-A	2	575	EDEN HOUSING
70140-B	3	326	EDEN HOUSING
70136	6	8,017	ZONE 7
NET		7,116	ZONE 7

PROPERTY EXCHANGE WITH KB HOME

NO.	SHEET	AREA (SF)	TRANSFER TO
FEE TITLE PROPERTY			
70134	5	196	KB HOME
70137-A	5	127	ZONE 7
70137-B	5	445	ZONE 7
NET		376	ZONE 7
EASEMENTS			
70135	5	510	KB HOME
70132	4	452	ZONE 7
70133	7	4,209	ZONE 7
NET		4,151	ZONE 7

ALAMEDA COUNTY
FLOOD CONTROL (ZONE 7)
PROPERTY EXCHANGE
ARROYO VISTA/ALAMO CREEK (LINE F)
ALAMEDA COUNTY
CITY OF DUBLIN
DATE: MAY 3, 2011
SCALE: 1" = 150'



1

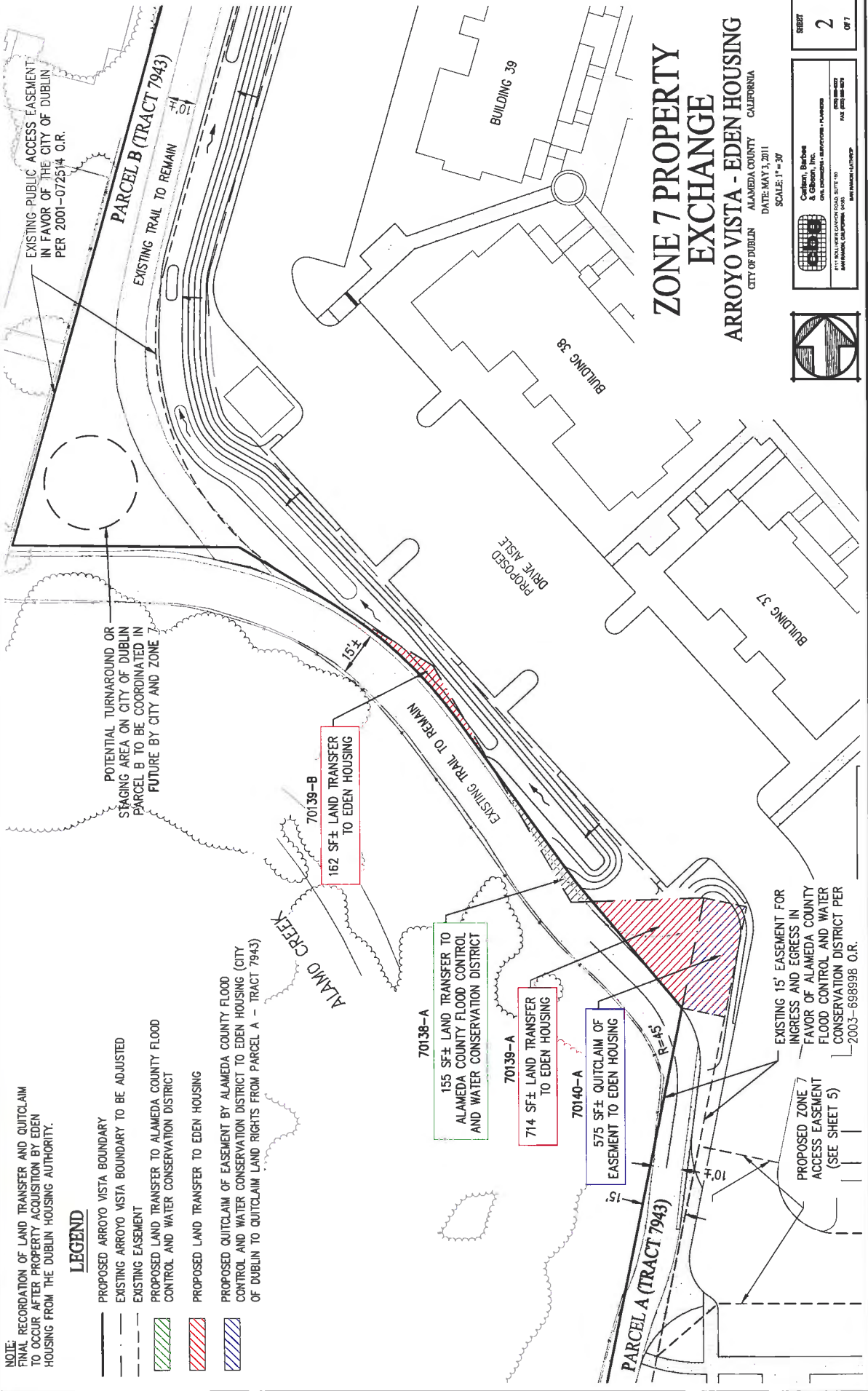
OF 7

City of Dublin
ALAMEDA COUNTY
DATE: MAY 3, 2011
SCALE: 1" = 150'

NOTE:
FINAL RECORDATION OF LAND TRANSFER AND QUITCLAIM
TO OCCUR AFTER PROPERTY ACQUISITION BY EDEN
HOUSING FROM THE DUBLIN HOUSING AUTHORITY.

LEGEND

- PROPOSED ARROYO VISTA BOUNDARY
- - - EXISTING ARROYO VISTA BOUNDARY TO BE ADJUSTED
- - - EXISTING EASEMENT
- ▨ PROPOSED LAND TRANSFER TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
- ▨ PROPOSED LAND TRANSFER TO EDEN HOUSING
- ▨ PROPOSED QUITCLAIM OF EASEMENT BY ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO EDEN HOUSING (CITY OF DUBLIN TO QUITCLAIM LAND RIGHTS FROM PARCEL A - TRACT 7943)



ZONE 7 PROPERTY EXCHANGE ARROYO VISTA - EDEN HOUSING CITY OF DUBLIN ALAMEDA COUNTY CALIFORNIA

DATE: MAY 1, 2011
SCALE: 1" = 30'



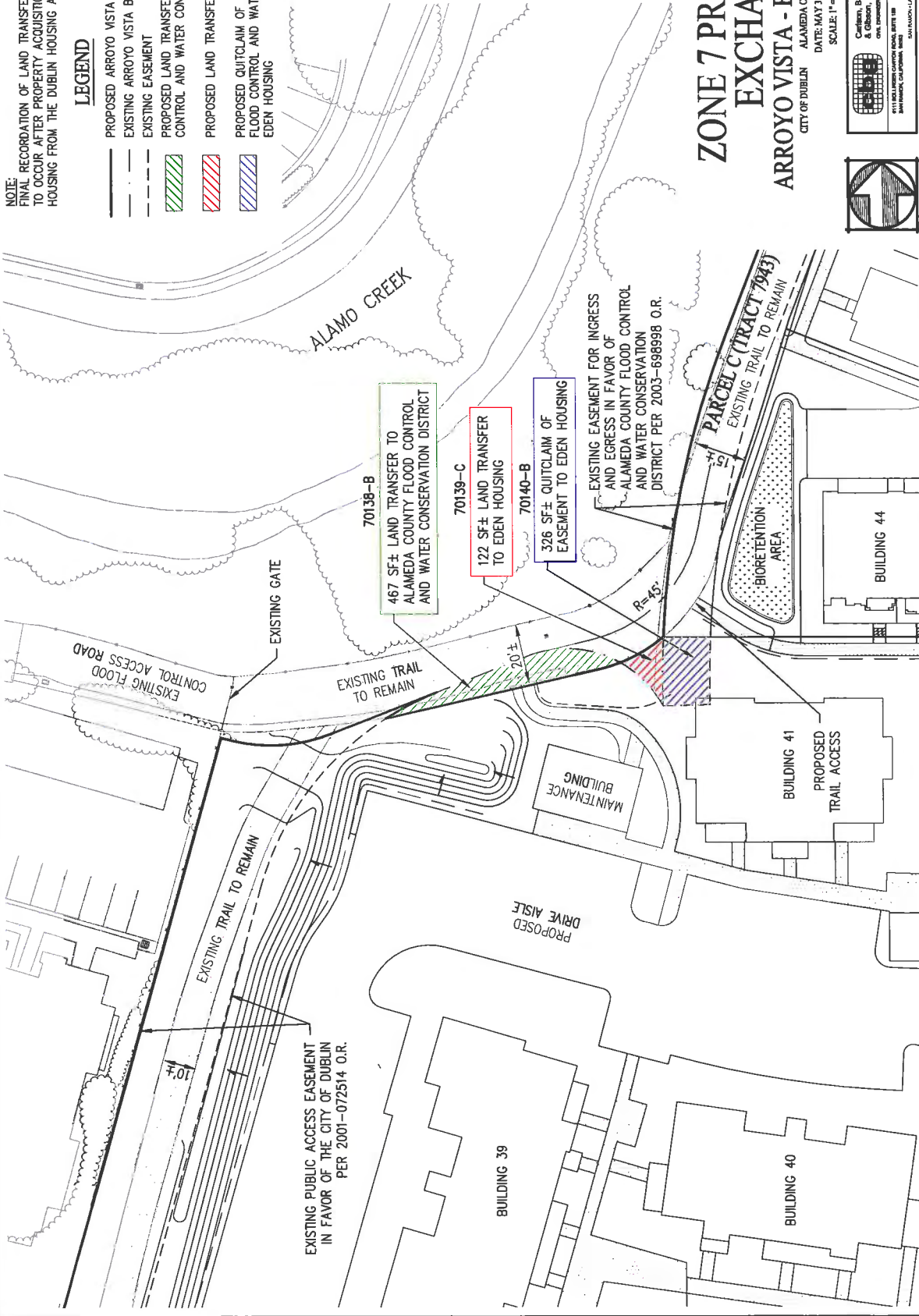
City of Dublin
Alameda County
California
1111 BELL STREET, SUITE 100
DUBLIN, CALIFORNIA 94568
415.891.1000

SHEET
2
OF 7

NOTE:
FINAL RECORDATION OF LAND TRANSFER AND QUITCLAIM
TO OCCUR AFTER PROPERTY ACQUISITION BY EDEN
HOUSING FROM THE DUBLIN HOUSING AUTHORITY.

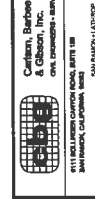
LEGEND

- PROPOSED ARROYO VISTA BOUNDARY
- EXISTING ARROYO VISTA BOUNDARY TO BE ADJUSTED
- EXISTING EASEMENT
- PROPOSED LAND TRANSFER TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
- PROPOSED LAND TRANSFER TO EDEN HOUSING
- PROPOSED QUITCLAIM OF EASEMENT BY ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO EDEN HOUSING



ZONE 7 PROPERTY EXCHANGE ARROYO VISTA - EDEN HOUSING CITY OF DUBLIN ALAMEDA COUNTY CALIFORNIA

DATE: MAY 3, 2011
SCALE: 1" = 30'

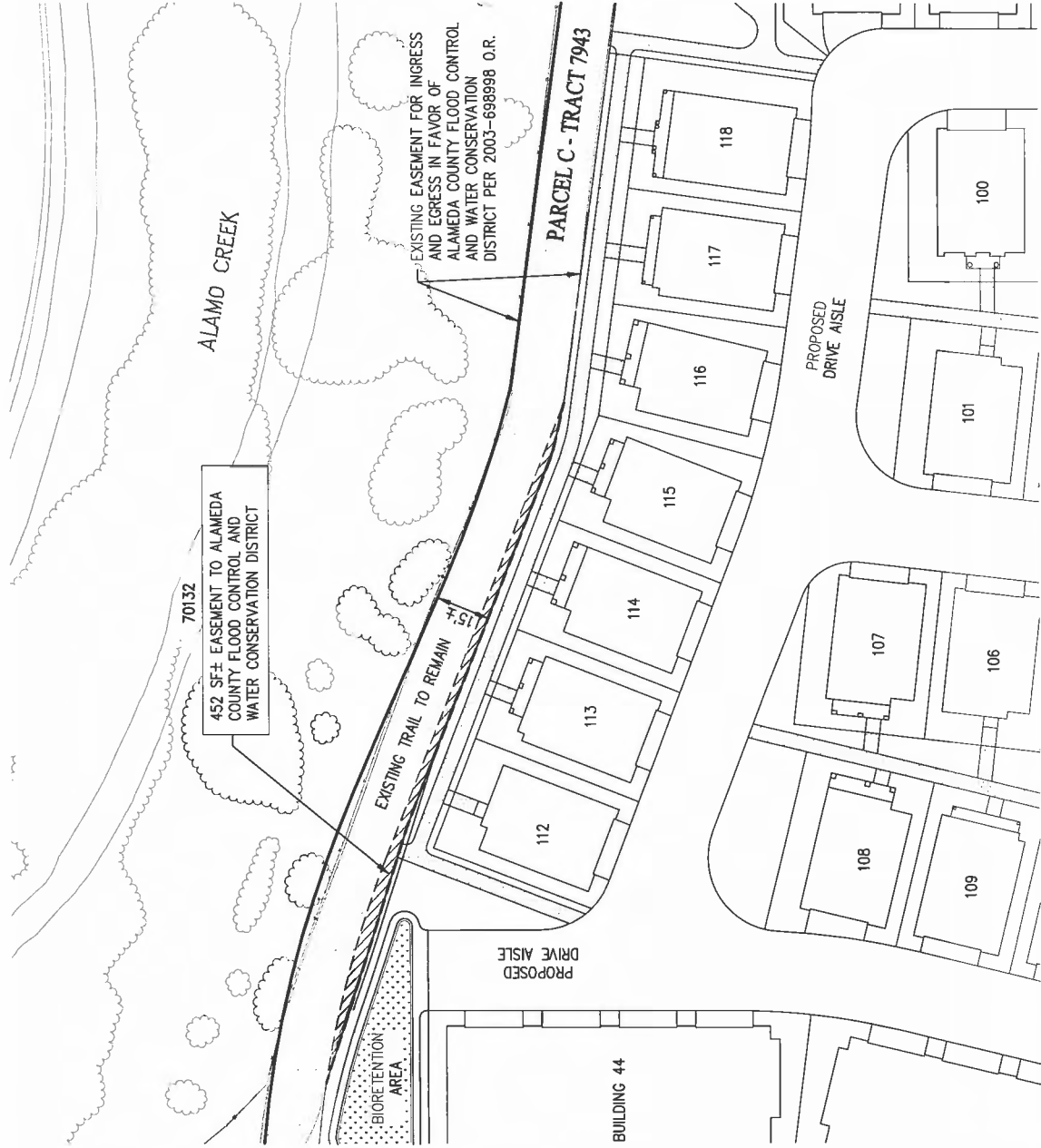


SHEET
3
OF 7

NOTE:
FINAL RECORDATION OF LAND TRANSFER AND QUITCLAIM
TO OCCUR AFTER PROPERTY ACQUISITION BY KB HOME
FROM THE DUBLIN HOUSING AUTHORITY.

LEGEND

- PROPOSED ARROYO VISTA BOUNDARY
- - - EXISTING EASEMENT
- - - PROPOSED EASEMENT
- ▨ PROPOSED EASEMENT TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT



ZONE 7 PROPERTY EXCHANGE

ARROYO VISTA - KB HOME
CITY OF DUBLIN ALAMEDA COUNTY CALIFORNIA

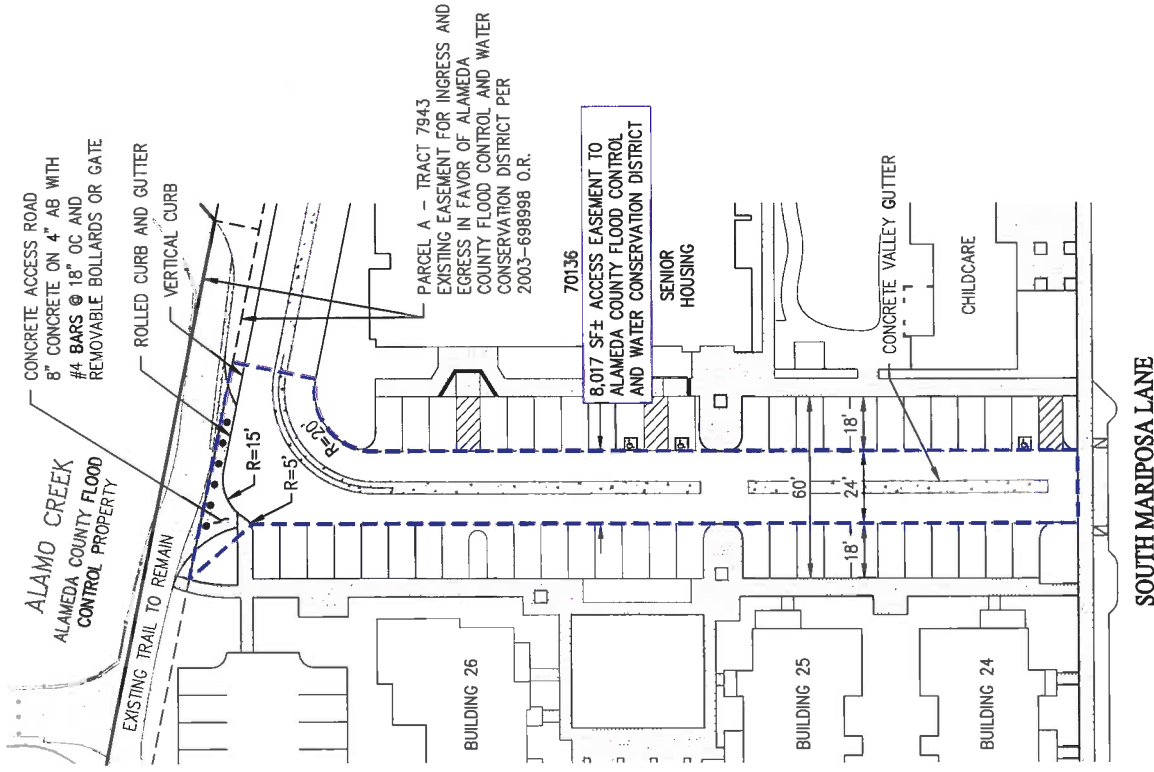
DATE: MAY 3, 2011
SCALE: 1" = 30'



	City of Dublin Planning Department 1500 KATE STREET, SUITE 100 DUBLIN, CALIFORNIA 94568	SHEET NO. 4 OF 7
	PROJECT NO. 2003-698998	DATE MAY 3, 2011

LEGEND

PROPOSED ALAMEDA COUNTY FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT (ZONE 7) ACCESS EASEMENT



ZONE 7 PROPERTY EXCHANGE

ARROYO VISTA - EDEN HOUSING

CITY OF DUBLIN ALAMEDA COUNTY CALIFORNIA

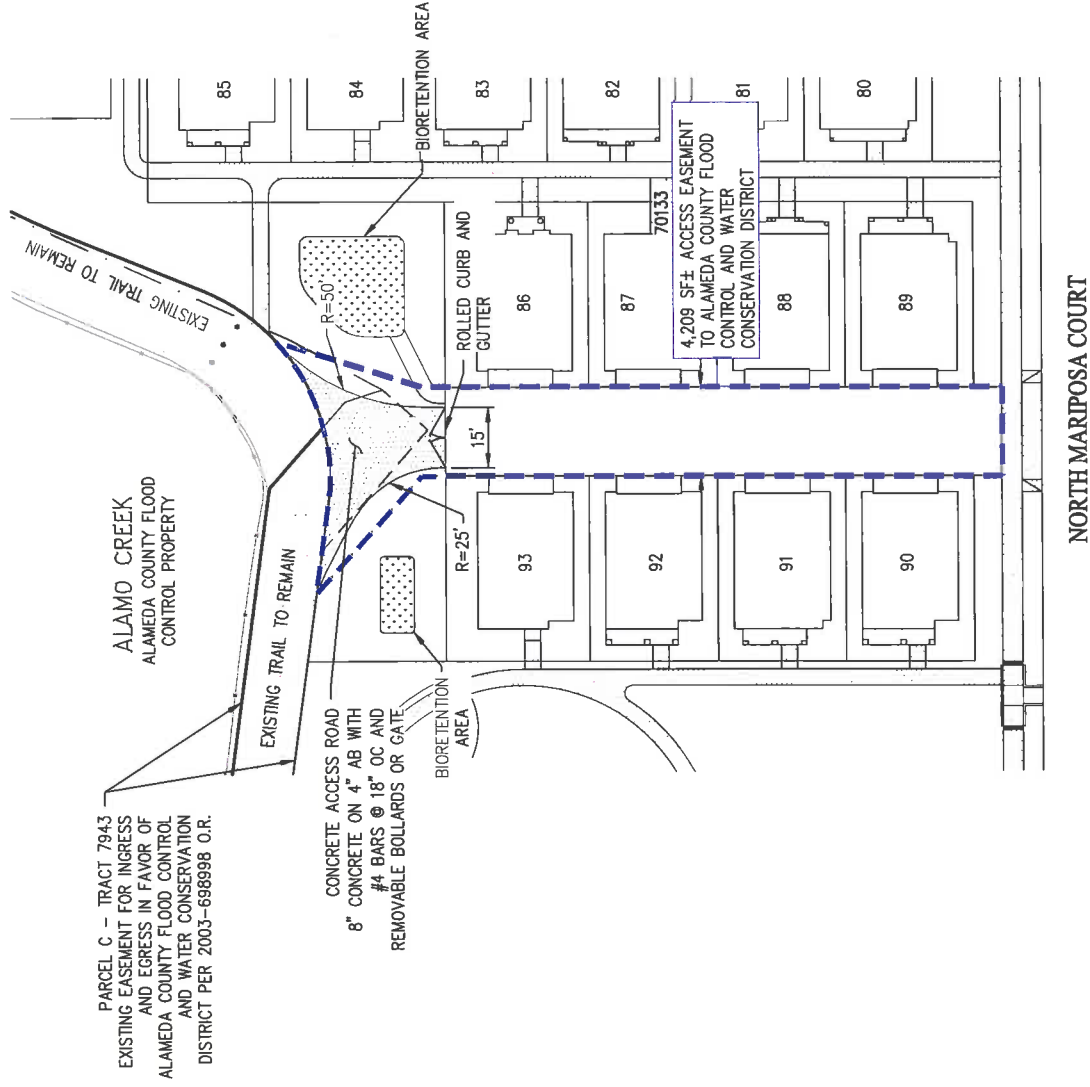
DATE: MAY 3, 2011
SCALE: 1" = 40'



SHEET
6
OF 7

LEGEND

--- PROPOSED ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (ZONE 7) ACCESS EASEMENT



ZONE 7 PROPERTY EXCHANGE

ARROYO VISTA - KB HOME

CITY OF DUBLIN ALAMEDA COUNTY CALIFORNIA

DATE: MAY 3, 2011

SCALE: 1" = 30'



	City of Dublin & Citizens, Inc. CIVIL ENGINEERING & SURVEYING - ALAMEDA	SHEET 7 OF 7
	8111 ALAMEDA CANYON AVENUE, SUITE 100 SAN RAFAEL, CA 94903, 94920	DATE: MAY 3, 2011 SCALE: 1" = 30'

64147-2004CUEXIBITSSHAREZONE 7 LAND SWAPZONE 7 EXHIBITLAND SWAP 07.DWG

Recording Requested By
And
When Recorded Mail To:

KB HOME ARROYO VISTA LLC
6700 Koll Center Parkway,
Suite 200
Pleasanton, CA 94566

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-6 (portion)

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledge, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, hereby grants to KB HOME ARROYO VISTA LLC, a Delaware limited liability company, real property in the City of Dublin, County of Alameda, State of California, State of California, designated and described in attached Exhibit "A," attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, this document is duly executed on _____, 2011.

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: _____
Nate Miley, President
The Board of Supervisors

Alamo Creek (Line F)
No. 70134
RF – 10095

State of California
County of Alameda

On _____ before me, _____, a Notary Public, personally appeared Nate Miley, 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"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

PARCEL OF LAND TO BE TRANSFERRED TO KB HOME

MAP: RF-10095

NO. 70134

APN: 941-0007-001-6 (PORTION)

MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 2, AS SAID PARCEL 2 IS DESCRIBED IN THAT CERTAIN DEED GRANTED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED NOVEMBER 26, 2003, IN DOCUMENT NO. 2003698997 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID PARCEL 2, SAID POINT BEING THE NORTHERN CORNER OF PARCEL C, AS SAID PARCEL C IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE WESTERLY LINE OF SAID PARCEL C, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 73°05'02" WEST 9.77 FEET, AND
- 2) SOUTH 42°33'48" WEST 8.17 FEET;

THENCE, LEAVING SAID WESTERLY LINE, ALONG THE ARC OF A NON-TANGENT 50.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 76°35'53" WEST, THROUGH A CENTRAL ANGLE OF 33°28'34", AN ARC DISTANCE OF 29.21 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 12, AS SAID LOT 12 IS SHOWN AND SO DESIGNATED ON SAID FINAL MAP;

THENCE, ALONG SAID NORTHWESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 64°58'59" EAST 7.76 FEET, AND

MAP: RF-10095
APN: 941-0007-001-6 (PORTION)

NO. 70134
MAY 3, 2011

2) SOUTH 60°12'56" EAST 25.70 FEET TO SAID POINT OF BEGINNING.
CONTAINING 196 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



SCALE: 1" = 20'

PARCEL A
TRACT 5883
190 M 50

ALAMO CREEK
ACFC&WCD
PARCEL 2
2003-698997 O.R.

LOT 12
TRACT 7943
309 M 30

PARCEL C
309 M 30

S76°35'53"W(R)

25.70'
S60°12'56"E

70134
AREA TO BE
TRANSFERRED
196 SF±

POB

LINE TABLE		
NO.	BEARING	LENGTH
L1	S73°05'02"W	9.77'
L2	S42°33'48"W	8.17'
L3	S64°58'59"E	7.76'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	50.00'	33°28'34"	29.21'

PLAT TO ACCOMPANY LEGAL DESCRIPTION

PARCEL OF LAND TO BE TRANSFERRED TO KB HOME
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10095

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

Recording Requested By
And
When Recorded Mail To:

KB HOME ARROYO VISTA LLC
6700 Koll Center Parkway,
Suite 200
Pleasanton, CA 94566

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-7 (Portion)

QUITCLAIM OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic (DISTRICT), does hereby QUITCLAIM, RELEASE AND RELINQUISH unto KB HOME ARROYO VISTA LLC, a Delaware limited liability company, its successors and assigns, all right, title and interest DISTRICT has in certain real property which is situated in the City of Dublin, County of Alameda, State of California designated and described in attached Exhibit "A," attached hereto, and incorporated herein by reference.

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____ adopted _____, 2011, a certified copy of which is attached hereto and made a part hereof.

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: _____
Nate Miley, President
The Board of Supervisors

Alamo Creek (Line F)
No. 70135
RF – 10096

State of California
County of Alameda

On _____ before me, _____, a Notary Public, personally appeared Nate Miley, 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"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

EASEMENT AREA TO BE QUITCLAIMED

MAP: RF-10096

NO. 70135

APN: 941-0007-001-7 (PORTION)

MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 2, AS SAID PARCEL 2 IS DESCRIBED IN THAT CERTAIN DEED GRANTED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED NOVEMBER 26, 2003, IN DOCUMENT NO. 2003698998 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN LINE OF SAID PARCEL 2, SAID POINT BEING THE NORTHERN CORNER OF PARCEL C, AS SAID PARCEL C IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE NORTHEREASTERLY AND SOUTHEASTERLY LINES OF SAID PARCEL C, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 47°26'12" EAST 15.04 FEET, AND
- 2) SOUTH 42°33'48" WEST 39.88 FEET;

THENCE, LEAVING SAID SOUTHEASTERLY LINE, NORTH 08°56'28" EAST 11.47 FEET;

THENCE, ALONG THE ARC OF A TANGENT 50.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 22°20'35", AN ARC DISTANCE OF 19.50 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL C;

THENCE, ALONG SAID NORTHWESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 42°33'48" EAST 8.17 FEET, AND

MAP: RF-10096
APN: 941-0007-001-7 (PORTION)

NO. 70135
MAY 3, 2011

2) NORTH 73°05'02" EAST 9.77 FEET TO SAID POINT OF BEGINNING.

CONTAINING 510 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



SCALE: 1" = 20'

PARCEL 2

EASEMENT FOR INGRESS AND EGRESS
IN FAVOR OF ALAMEDA COUNTY FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT PER 2003-698998 O.R.

ALAMO CREEK
ACFC&WCD
2003-698997 O.R.

PARCEL C
TRACT 7943
309 M 30

70135

AREA TO BE QUITCLAIMED
510 SF±

LINE TABLE		
NO.	BEARING	LENGTH
L1	S47°26'12"E	15.04'
L2	S42°33'48"W	39.88'
L3	N08°56'28"E	11.47'
L4	N42°33'48"E	8.17'
L5	N73°05'02"E	9.77'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	50.00'	22°20'35"	19.50'

LOT 12
TRACT 7943
309 M 30

PLAT TO ACCOMPANY LEGAL DESCRIPTION
EASEMENT AREA TO BE QUITCLAIMED TO KB HOME
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (2003-698998 O.R.)
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10096

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

Recording Requested By
And
When Recorded Mail To:

KB HOME ARROYO VISTA LLC
6700 Koll Center Parkway,
Suite 200
Pleasanton, CA 94566

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-7 (portion)

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledge, KB HOME ARROYO VISTA LLC, a Delaware limited liability company, hereby grants to the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, real property in the City of Dublin, County of Alameda, State of California, State of California, designated and described in attached Exhibit "A," attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, this document is duly executed on _____, 2011.

KB HOME ARROYO VISTA LLC,
a Delaware limited liability company

By: KB HOME South Bay Inc.,
a California corporation, its sole member

By: _____

Name: _____

Title: _____

Alamo Creek (Line F)
No. 70137
RF - 10098

State of California
County of Alameda

On _____ before me, _____, a Notary Public, personally appeared _____, 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"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

PARCEL OF LAND TO BE TRANSFERRED TO
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

MAP: RF-10098

NO. 70137

APN: 941-0007-001-7 (PORTION)

MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, COMPRISED OF TWO (2) PARCELS, DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 12, AS SAID LOT 12 IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A

COMMENCING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 12, SAID POINT BEING THE NORTHERLY CORNER OF PARCEL C, AS SAID PARCEL C IS SHOWN AND SO DESIGNATED ON SAID FINAL MAP;

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG SAID SOUTHWESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 60°12'56" WEST 25.70 FEET, AND
- 2) NORTH 64°58'59" WEST 7.76 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE, FROM SAID POINT OF BEGINNING, CONTINUING ALONG SAID SOUTHWESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 64°58'59" WEST 73.40 FEET, AND
- 2) NORTH 54°53'15" WEST 23.26 FEET;

THENCE, LEAVING SAID SOUTHWESTERLY LINE, ALONG THE ARC OF A NON-TANGENT 200.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 35°06'45" EAST, THROUGH A CENTRAL ANGLE OF 12°10'25", AN ARC DISTANCE OF 42.49 FEET;

THENCE, SOUTH 67°03'40" EAST 36.67 FEET;

MAP: RF-10098
APN: 941-0007-001-7 (PORTION)

NO. 70137
MAY 3, 2011

THENCE, ALONG THE ARC OF A TANGENT 50.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20°10'59", AN ARC DISTANCE OF 17.61 FEET TO SAID POINT OF BEGINNING.

CONTAINING 127 SQUARE FEET OF LAND, MORE OR LESS.

PARCEL B

BEGINNING AT THE NORTHWESTERN CORNER OF SAID LOT 12;

THENCE, FROM SAID POINT OF BEGINNING ALONG THE NORTHERLY LINE OF SAID LOT 12, SOUTH 89°16'58" EAST 1.95 FEET;

THENCE, LEAVING SAID NORTHERLY LINE, ALONG THE ARC OF A NON-TANGENT 81.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 79°33'41" EAST, THROUGH A CENTRAL ANGLE OF 26°39'21", AN ARC DISTANCE OF 37.68 FEET;

THENCE, ALONG THE ARC OF A COMPOUND 350.55 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 52°54'20" EAST, THROUGH A CENTRAL ANGLE OF 11°40'03", AN ARC DISTANCE OF 71.38 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 12;

THENCE, ALONG SAID WESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 54°53'15" WEST 56.95 FEET, AND
- 2) NORTH 19°27'18" WEST 56.87 FEET TO SAID POINT OF BEGINNING.

CONTAINING 445 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

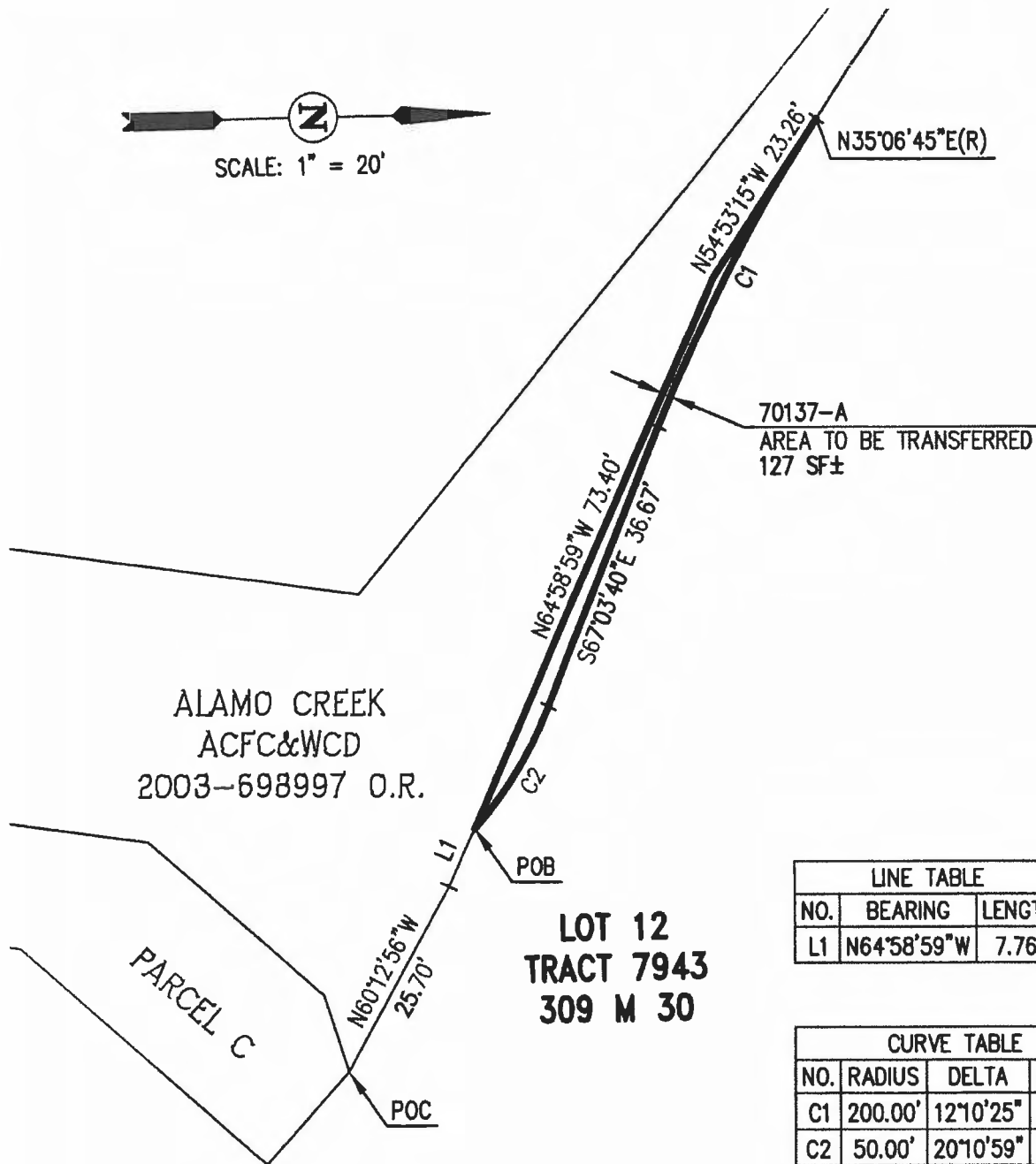
END OF DESCRIPTION



Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



SCALE: 1" = 20'



LINE TABLE		
NO.	BEARING	LENGTH
L1	N64°58'59\"W	7.76'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	200.00'	12°10'25"	42.49'
C2	50.00'	20°10'59"	17.61'

PLAT TO ACCOMPANY LEGAL DESCRIPTION

PARCEL OF LAND TO BE TRANSFERRED

LOT 12, TRACT 7943
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10098
SHEET 1 OF 2

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

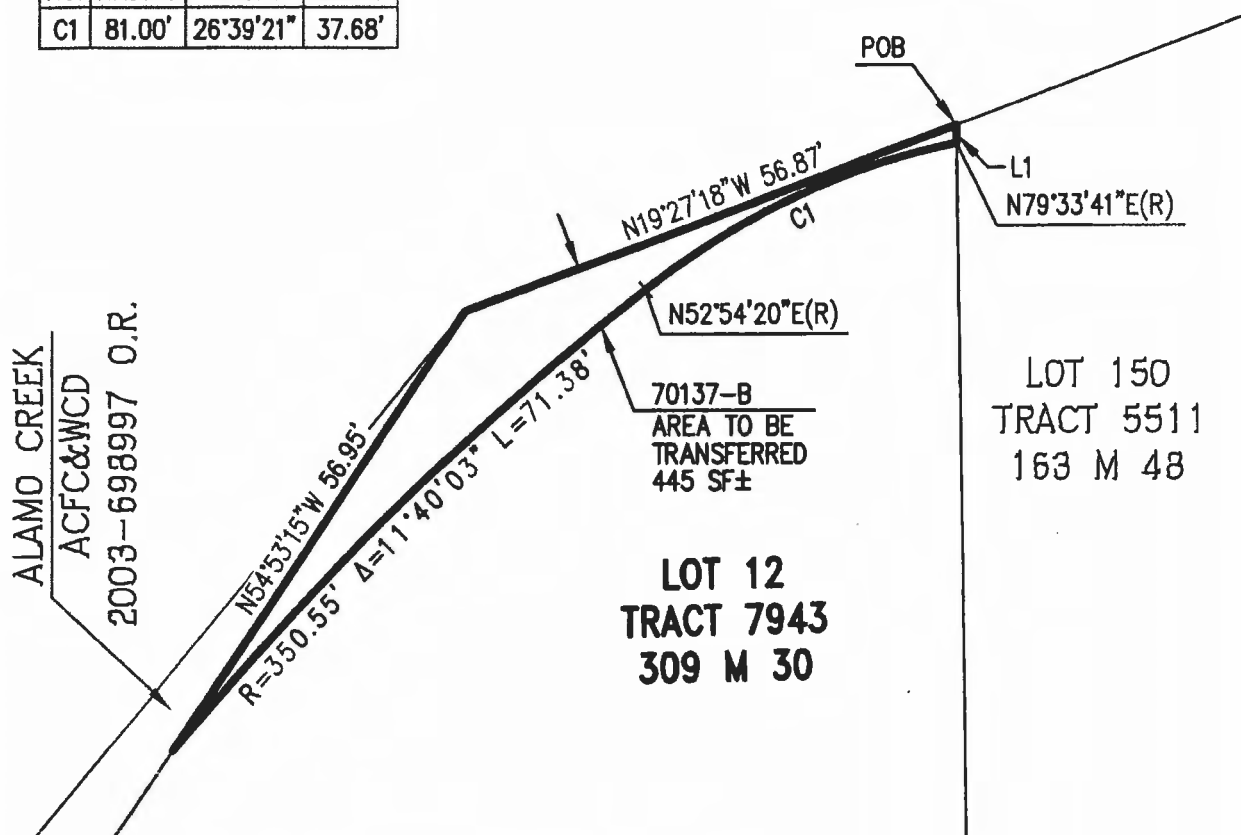


SCALE: 1" = 20'

LINE TABLE		
NO.	BEARING	LENGTH
L1	S89°16'58"E	1.95'

PARCEL A
TRACT 5883
190 M 50

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	81.00'	26°39'21"	37.68'



PLAT TO ACCOMPANY LEGAL DESCRIPTION

PARCEL OF LAND TO BE TRANSFERRED

LOT 12, TRACT 7943
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10098
SHEET 2 OF 2

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

Recording Requested By and
When Recorded Mail To:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-7 (Portion)

GRANT OF ACCESS EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, KB Home Arroyo Vista LLC, a Delaware limited liability company (hereinafter "GRANTOR") hereby grants to Alameda County Flood Control and Water Conservation District, a body corporate and politic (hereinafter "GRANTEE").

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby, does hereby GRANT and CONVEY unto the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, its successors and assigns, the perpetual non-exclusive easement and right of way for ingress, egress for maintenance of, and general access to Alamo Creek (Line F) over, along, and across the land situated in the City of Dublin, County of Alameda, State of California, described and depicted in Exhibit "A," attached hereto and incorporated herein by reference.

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

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

KB HOME ARROYO VISTA LLC,
a Delaware limited liability company

By: KB HOME South Bay Inc.,
a California corporation, its sole member

By: _____

Name: _____

Title: _____

EXHIBIT "A"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

DESCRIPTION OF ACCESS EASEMENT AREA

MAP: RF-10093

NO. 70132

APN: 941-0007-001-7 (PORTION)

MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOTS 11 AND 12, AS SAID LOTS 11 AND 12 ARE SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SOUTHWESTERN CORNER OF SAID LOT 12;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE NORTHWESTERLY LINE OF SAID LOT 12, NORTH 22°45'27" EAST 126.46 FEET;

THENCE, LEAVING SAID NORTHWESTERLY LINE, SOUTH 14°09'31" WEST 14.36 FEET;

THENCE, SOUTH 22°44'24" WEST 108.98 FEET;

THENCE, SOUTH 18°40'14" WEST 28.08 FEET;

THENCE, SOUTH 19°17'35" WEST 46.10 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 11;

THENCE, ALONG SAID WESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

- 1) ALONG THE ARC OF A NON-TANGENT 285.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 79°56'15" EAST, THROUGH A CENTRAL ANGLE OF 12°41'42", AN ARC DISTANCE OF 63.15 FEET, AND
- 2) NORTH 22°45'27" EAST 8.12 FEET TO SAID POINT OF BEGINNING.

MAP: RF-10093
APN: 941-0007-001-7 (PORTION)

NO. 70132
MAY 3, 2011

CONTAINING 452 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



SCALE: 1" = 30'



LINE TABLE		
NO.	BEARING	LENGTH
L1	S14°09'31\"W	14.36'
L2	S18°40'14\"W	28.08'
L3	S19°17'35\"W	46.10'
L4	N22°45'27\"E	8.12'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	285.00'	12°41'42\"	63.15'

PLAT TO ACCOMPANY LEGAL DESCRIPTION

ACCESS EASEMENT
LOTS 11 AND 12, TRACT 7943
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10093

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

Recording Requested By and
When Recorded Mail To:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-7 and -6 (Portion)

GRANT OF ACCESS EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, KB Home Arroyo Vista LLC, a Delaware limited liability company (hereinafter "GRANTOR") hereby grants to Alameda County Flood Control and Water Conservation District, a body corporate and politic (hereinafter "GRANTEE").

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby, does hereby GRANT and CONVEY unto the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, its successors and assigns, the perpetual non-exclusive easement and right of way for ingress, egress for maintenance of, and general access to Alamo Creek (Line F) over, along, and across the land situated in the City of Dublin, County of Alameda, State of California, described and depicted in Exhibit "A," attached hereto and incorporated herein by reference.

By accepting this Grant of Easement, GRANTEE agrees to give GRANTOR not less than three (3) business days prior written notice before the use of said easement and right of way by GRANTEE, except in the event of an emergency. Notices shall be given by personal delivery, overnight delivery, certified mail, or by telecopy, in each case at the address set forth below or at such other address or addresses as may be specified in writing to GRANTEE by GRANTOR or its successors and assigns:

K.B. Home Inc.
6700 Koll Center Parkway; Suite 200
Pleasanton, CA 94566

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

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

KB HOME ARROYO VISTA LLC,
a Delaware limited liability company

By: KB HOME South Bay Inc.,
a California corporation, its sole member

By: _____

Name: _____

Title: _____

EXHIBIT "A"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

DESCRIPTION OF ACCESS EASEMENT AREA

MAP: RF-10094

NO. 70133

APN: 941-0007-001-7 AND 6 (PORTION)

MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 12, AS SAID LOT 12 IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, ALSO BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED RECORDED _____, IN DOCUMENT NO. _____, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, AND ALSO BEING ALL OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED RECORDED _____, IN DOCUMENT NO. _____, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERN CORNER OF SAID LOT 12;

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG THE EASTERLY LINE OF SAID LOT 12, NORTH 01°13'02" EAST 416.52 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE, FROM SAID POINT OF BEGINNING, LEAVING SAID EASTERLY LINE, NORTH 88°46'58" WEST 145.00 FEET;

THENCE, SOUTH 43°10'51" WEST 39.17 FEET;

THENCE, NORTH 08°56'28" EAST 22.17 FEET;

THENCE, ALONG THE ARC OF A TANGENT 50.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 50°10'03", AN ARC DISTANCE OF 43.78 FEET;

THENCE, SOUTH 71°16'58" EAST 37.60 FEET;

THENCE, SOUTH 88°46'58" EAST 145.00 FEET TO A POINT ON SAID EASTERLY LINE OF LOT 12;

MAP: RF-10094
APN: 941-0007-001-7 AND 6 (PORTION)

NO. 70133
MAY 3, 2011

THENCE, ALONG SAID EASTERLY LINE, SOUTH 01°13'02" WEST 22.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 4,209 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

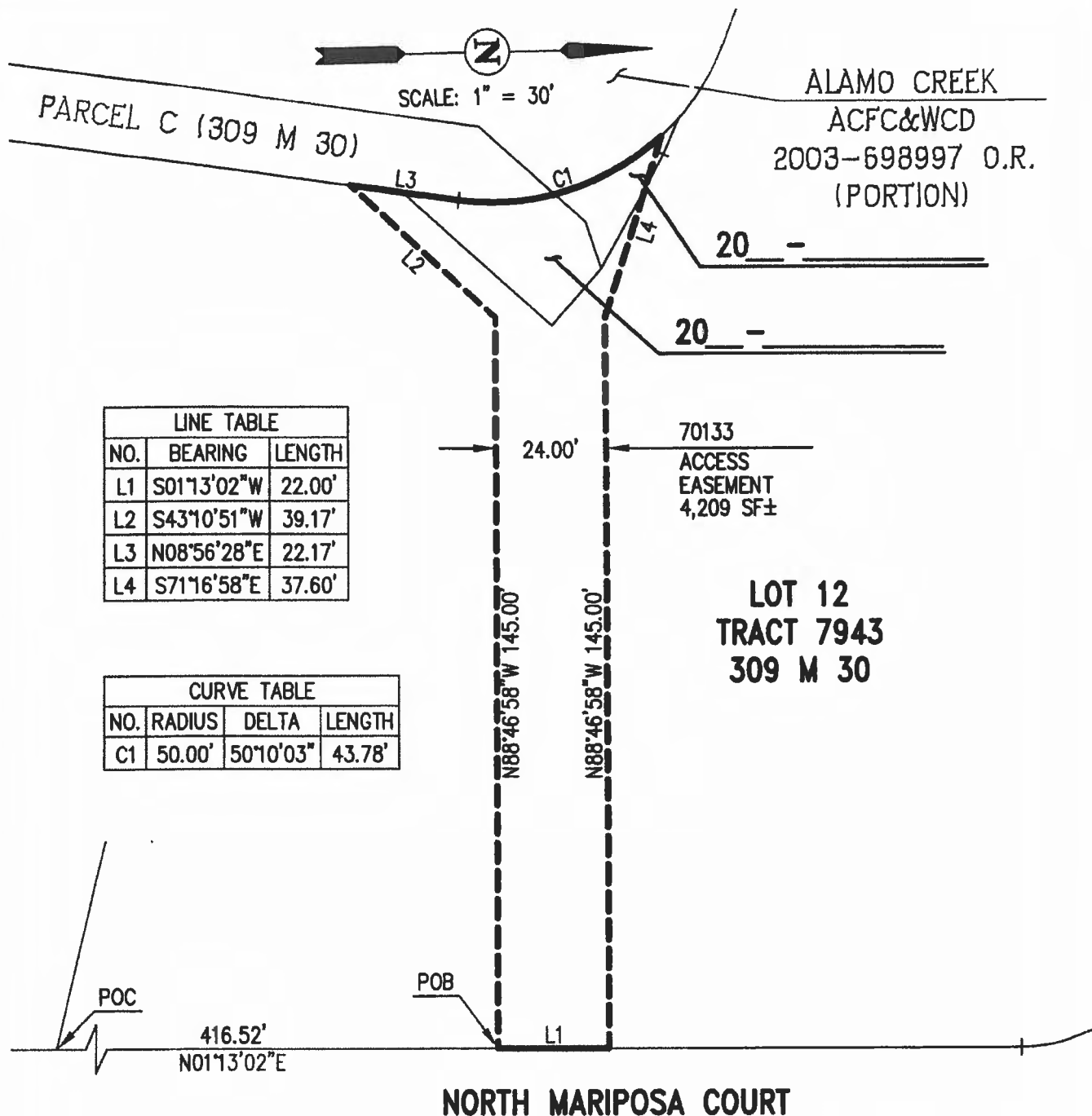
ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



Christopher S. Harmison

CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



PLAT TO ACCOMPANY LEGAL DESCRIPTION

ACCESS EASEMENT
LOT 12, TRACT 7943
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10094

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

Recording Requested By
And
When Recorded Mail To:

Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-5 AND 6 (portion)

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledge, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, hereby grants to EDEN HOUSING, INC., a California nonprofit public benefit corporation, real property in the City of Dublin, County of Alameda, State of California, State of California, designated and described in attached Exhibit "A," attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, this document is duly executed on _____, 2011.

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: _____
Nate Miley, President
The Board of Supervisors

Alamo Creek (Line F)
No. 70139
RF – 10100

State of California
County of Alameda

On _____ before me, _____, a Notary Public, personally appeared Nate Miley, 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"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

PARCEL OF LAND TO BE TRANSFERRED TO EDEN HOUSING

MAP: RF-10100
APN: 941-0007-001-5 AND 6 (PORTION)

NO. 70139
MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, COMPRISED OF THREE (3) PARCELS, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 1 AND PARCEL 2, AS SAID PARCEL 1 AND PARCEL 2 ARE DESCRIBED IN THAT CERTAIN DEED GRANTED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED NOVEMBER 26, 2003, IN DOCUMENT NO. 2003698997 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID PARCEL 1, SAID POINT BEING THE NORTHWESTERN CORNER OF PARCEL A, AS SAID PARCEL A IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE WESTERLY LINE OF SAID PARCEL A, SOUTH 12°48'30" WEST 38.35 FEET;

THENCE, LEAVING SAID WESTERLY LINE, NORTH 38°53'24" WEST 47.44 FEET TO A POINT ON THE WESTERLY LINE OF LOT 8, AS SAID LOT 8 IS SHOWN AND SO DESIGNATED ON SAID FINAL MAP;

THENCE, ALONG SAID WESTERLY LINE, NORTH 89°17'36" EAST 38.29 FEET TO SAID POINT OF BEGINNING.

CONTAINING 714 SQUARE FEET OF LAND, MORE OR LESS.

PARCEL B

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID PARCEL 1, SAID POINT BEING A POINT ON THE WESTERLY LINE OF SAID LOT 8, SAID POINT BEING THE NORTHERN TERMINUS OF THAT CERTAIN COURSE DESIGNATED AS "NORTH 29°00'42" WEST 93.37 FEET" ON SAID FINAL MAP;

THENCE, FROM SAID POINT OF BEGINNING, ALONG SAID WESTERLY LINE, SOUTH 29°00'42" EAST 40.43 FEET;

THENCE, LEAVING SAID WESTERLY LINE, NORTH 34°52'41" WEST 20.32 FEET;

MAP: RF-10100
APN: 941-0007-001-5 AND 6 (PORTION)

NO. 70139
MAY 3, 2011

THENCE, ALONG THE ARC OF A TANGENT 150.00 FEET FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 22°31'21", AN ARC DISTANCE OF 58.96 FEET TO A POINT ON SAID WESTERLY LINE OF LOT 8;

THENCE, ALONG SAID WESTERLY LINE, SOUTH 57°24'02" EAST 40.66 FEET TO SAID POINT OF BEGINNING.

CONTAINING 162 SQUARE FEET OF LAND, MORE OR LESS.

PARCEL C

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID PARCEL 2, SAID POINT BEING THE SOUTHWESTERN CORNER OF PARCEL C, AS SAID PARCEL C IS SHOWN AND SO DESIGNATED ON SAID FINAL MAP OF TRACT 7943;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERLY LINE OF SAID PARCEL 2, THE FOLLOWING TWO (2) COURSES:

- 1) ALONG THE ARC OF A NON-TANGENT 300.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 86°15'14" EAST, THROUGH A CENTRAL ANGLE OF 04°11'18", AN ARC DISTANCE OF 21.93 FEET, AND
- 2) ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 62°48'34" WEST, THROUGH A CENTRAL ANGLE OF 32°08'32", AN ARC DISTANCE OF 19.63 FEET;

THENCE, LEAVING SAID EASTERLY LINE, ALONG THE ARC OF A NON-TANGENT 50.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 20°06'43" WEST, THROUGH A CENTRAL ANGLE OF 18°21'29", AN ARC DISTANCE OF 16.02 FEET TO SAID POINT OF BEGINNING.

CONTAINING 122 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



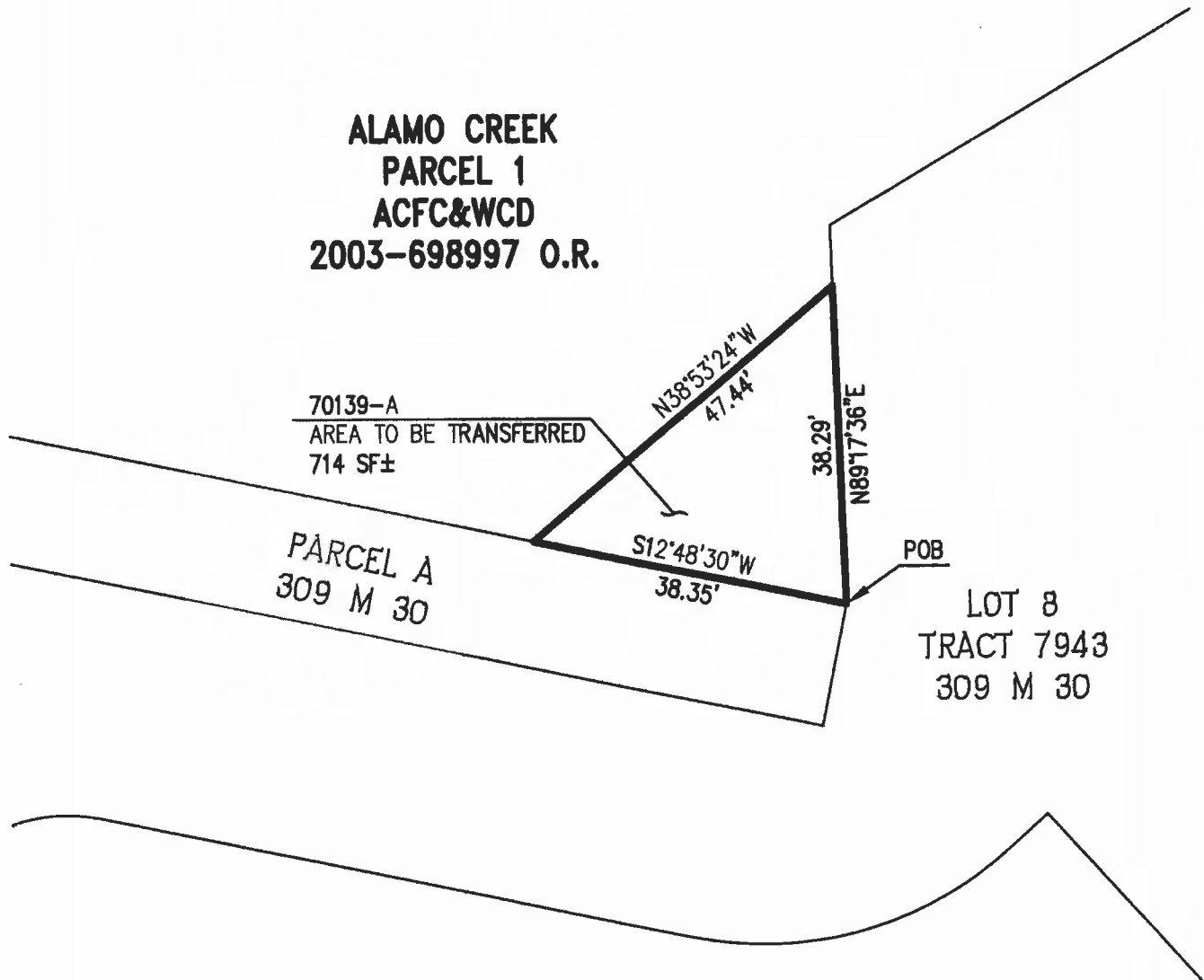
Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176

PAGE 2 OF 2



SCALE: 1" = 20'

ALAMO CREEK
PARCEL 1
ACFC&WCD
2003-698997 O.R.



PLAT TO ACCOMPANY LEGAL DESCRIPTION

PARCEL OF LAND TO BE TRANSFERRED TO EDEN HOUSING
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (2003-698997 O.R.)
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10100
SHEET 1 OF 3

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

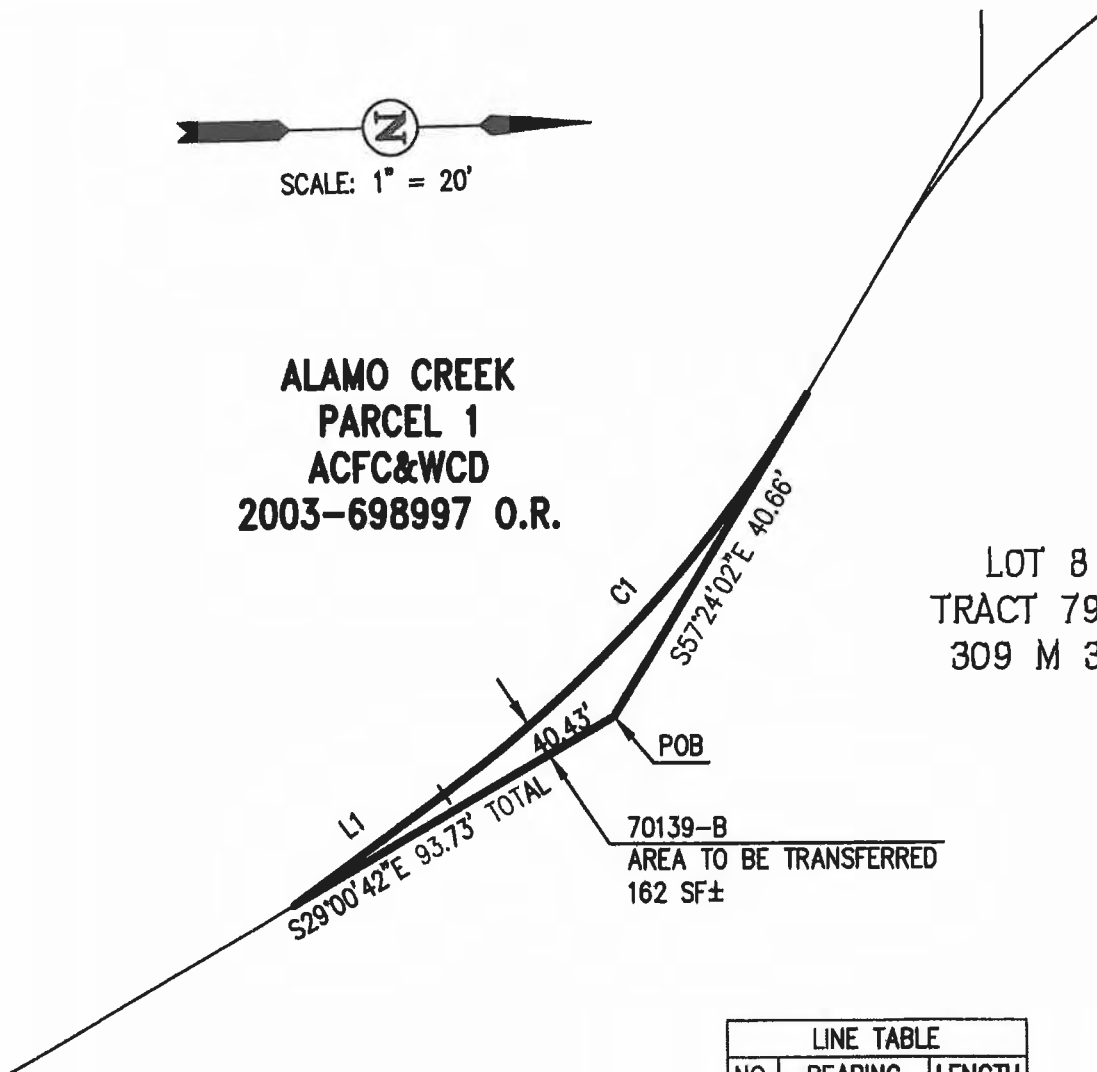
TELEPHONE: (925) 866-0322 FAX: (925) 866-8575



SCALE: 1" = 20'

ALAMO CREEK
PARCEL 1
ACFC&WCD
2003-698997 O.R.

LOT 8
TRACT 7943
309 M 30



LINE TABLE		
NO.	BEARING	LENGTH
L1	N34°52'41"W	20.32'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	150.00'	22°31'21"	58.96'

PLAT TO ACCOMPANY LEGAL DESCRIPTION
PARCEL OF LAND TO BE TRANSFERRED TO EDEN HOUSING
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (2003-698997 O.R.)
DUBLIN, CALIFORNIA

MAY 3, 2011

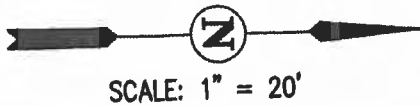
RF-10100
SHEET 2 OF 3

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575



LOT 8
TRACT 7943
309 M 30

ALAMO CREEK
ACFC&WCD
PARCEL 2
2003-698997 O.R.

70139-C
AREA TO BE TRANSFERRED
122 SF±

N20°06'43"W(R)
R= 50.00'

POB
S86°15'14"E(R)
R= 300.00'

S62°48'34"W(R)
R= 35.00'

C1

PARCEL C

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	300.00'	04°11'18"	21.93'
C2	35.00'	32°08'32"	19.63'
C3	50.00'	18°21'29"	16.02'

PLAT TO ACCOMPANY LEGAL DESCRIPTION
PARCEL OF LAND TO BE TRANSFERRED TO EDEN HOUSING
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (2003-698997 O.R.)
DUBLIN, CALIFORNIA
MAY 3, 2011

RF-10100
SHEET 3 OF 3

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

Recording Requested By
And
When Recorded Mail To:

Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-7 (Portion)

QUITCLAIM OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic (DISTRICT), does hereby QUITCLAIM, RELEASE AND RELINQUISH unto EDEN HOUSING Inc., a California nonprofit public benefit corporation, its successors and assigns, all right, title and interest DISTRICT has in certain real property which is situated in the City of Dublin, County of Alameda, State of California designated and described in attached Exhibit "A," attached hereto, and incorporated herein by reference.

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____ adopted _____, 2011, a certified copy of which is attached hereto and made a part hereof.

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: _____
Nate Miley, President
The Board of Supervisors

Alamo Creek (Line F)
No. 70140
RF – 10101

State of California
County of Alameda

On _____ before me, _____, a Notary Public, personally appeared Nate Miley, 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"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

EASEMENT AREA TO BE QUITCLAIMED

MAP: RF-10101

NO. 70140

APN: 941-0007-001-7 (PORTION)

MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A

BEING A PORTION OF PARCEL 1, AS SAID PARCEL 1 IS DESCRIBED IN THAT CERTAIN DEED GRANTED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED NOVEMBER 26, 2003, IN DOCUMENT NO. 2003698998 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN LINE OF SAID PARCEL 1, SAID POINT BEING THE NORTHWESTERN CORNER OF PARCEL A, AS SAID PARCEL A IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE NORTHERLY AND EASTERLY LINES OF SAID PARCEL A, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 77°11'30" EAST 15.00 FEET, AND
- 2) SOUTH 12°48'30" WEST 38.35 FEET;

THENCE, LEAVING SAID EASTERLY LINE, NORTH 77°11'30" WEST 15.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL A;

THENCE, ALONG SAID WESTERLY LINE, NORTH 12°48'30" EAST 38.35 FEET TO SAID POINT OF BEGINNING.

CONTAINING 575 SQUARE FEET OF LAND, MORE OR LESS.

PARCEL B

BEING A PORTION OF PARCEL 2, AS SAID PARCEL 2 IS DESCRIBED IN THAT CERTAIN DEED GRANTED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED NOVEMBER 26, 2003, IN DOCUMENT NO. 2003698998 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

MAP: RF-10101
APN: 941-0007-001-7 (PORTION)

NO. 70140
MAY 3, 2011

BEING ALL OF SAID EASEMENT LYING WITHIN LOT 8, AS SAID LOT 8 IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

CONTAINING 326 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



SCALE: 1" = 20'

LINE TABLE		
NO.	BEARING	LENGTH
L1	N77°11'30"W	15.00'

ALAMO CREEK
ACFC&WCD
2003-698997 O.R.

PARCEL 1

EASEMENT FOR INGRESS AND EGRESS
IN FAVOR OF ALAMEDA COUNTY FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT PER 2003-698998 O.R.

PARCEL A
TRACT 7943
309 M 30

N12°48'30"E 38.35'

POB

LOT 8
TRACT 7943
309 M 30

S12°48'30"W 38.35'

70140-A

AREA TO BE QUITCLAIMED
575 SF±

PLAT TO ACCOMPANY LEGAL DESCRIPTION

EASEMENT AREA TO BE QUITCLAIMED

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (2003-698998 O.R.)

DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10101
SHEET 1 OF 2

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575



SCALE: 1" = 20'

**LOT 8
TRACT 7943
309 M 30**

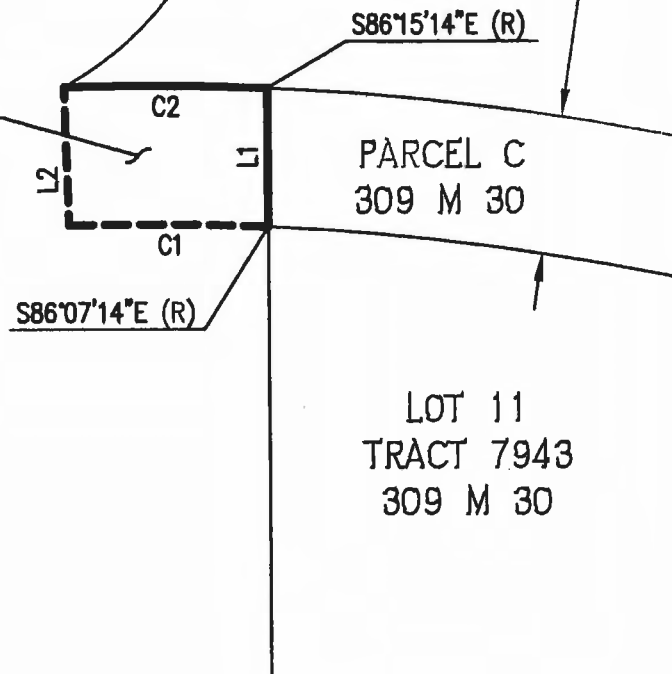
ALAMO CREEK
ACFC&WCD
2003-698997 O.R.

PARCEL 2
EASEMENT FOR INGRESS AND
EGRESS IN FAVOR OF
ALAMEDA COUNTY FLOOD
CONTROL AND WATER
CONSERVATION DISTRICT PER
2003-698998 O.R.

70140-B
AREA TO BE QUITCLAIMED
326 SF±

LINE TABLE		
NO.	BEARING	LENGTH
L1	S88°46'58"E	15.02'
L2	S89°33'28"W(R)	15.00'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	285.00'	04°19'18"	21.50'
C2	300.00'	04°11'18"	21.93'



PLAT TO ACCOMPANY LEGAL DESCRIPTION

EASEMENT AREA TO BE QUITCLAIMED
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (2003-698998 O.R.)
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10101
SHEET 2 OF 2

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

Recording Requested By
And
When Recorded Mail To:

Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-7 (portion)

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledge, EDEN HOUSING, INC., a California nonprofit public benefit corporation, hereby grants to the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, real property in the City of Dublin, County of Alameda, State of California, State of California, designated and described in attached Exhibit "A," attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, this document is duly executed on _____, 2011.

EDEN HOUSING, INC.

By: _____
Linda Mandolini, Executive Director
Eden Housing, Inc.

Alamo Creek (Line F)
No. 70138
RF – 10099

State of California
County of Alameda

On _____ before me, _____, a Notary Public, personally appeared Linda Mandolini, 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"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

PARCEL OF LAND TO BE TRANSFERRED TO
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

MAP: RF-10099

NO. 70138

APN: 941-0007-001-7 (PORTION)

MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, COMPRISED OF TWO (2) PARCELS, DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 8, AS SAID LOT 8 IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID LOT 8, SAID POINT BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE DESIGNATED AS "NORTH 29°00'42" WEST 93.37 FEET" ON SAID FINAL MAP;

THENCE, FROM SAID POINT OF BEGINNING, ALONG SAID WESTERLY LINE OF LOT 8, NORTH 29°00'42" WEST 52.94 FEET;

THENCE, LEAVING SAID WESTERLY LINE, SOUTH 34°52'41" WEST 48.08 FEET;

THENCE, SOUTH 38°53'24" EAST 8.69 FEET TO A POINT ON SAID WESTERLY LINE;

THENCE, ALONG SAID WESTERLY LINE, SOUTH 89°17'36" WEST 7.27 FEET TO SAID POINT OF BEGINNING.

CONTAINING 155 SQUARE FEET OF LAND, MORE OR LESS.

PARCEL B

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 8, SAID POINT BEING THE NORTHEASTERN CORNER OF PARCEL B, AS SAID PARCEL B IS SHOWN AND SO DESIGNATED ON SAID FINAL MAP OF TRACT 7943;

THENCE, FROM SAID POINT OF BEGINNING, ALONG SAID NORTHWESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 69°47'56" EAST 31.24 FEET, AND

MAP: RF-10099
APN: 941-0007-001-7 (PORTION)

NO. 70138
MAY 3, 2011

- 2) ALONG THE ARC OF A TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 50°52'06", AN ARC DISTANCE OF 31.07 FEET;

THENCE, LEAVING SAID NORTHWESTERLY LINE, ALONG THE ARC OF A NON-TANGENT 50.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 20°06'43" WEST, THROUGH A CENTRAL ANGLE OF 08°34'21", AN ARC DISTANCE OF 7.48 FEET;

THENCE, SOUTH 78°27'38" WEST 70.08 FEET TO A POINT ON SAID NORTHWESTERLY LINE;

THENCE, ALONG SAID NORTHWESTERLY LINE, ALONG THE ARC OF A NON-TANGENT 95.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 31°20'03" EAST, THROUGH A CENTRAL ANGLE OF 11°07'58", AN ARC DISTANCE OF 18.46 FEET TO SAID POINT OF BEGINNING.

CONTAINING 467 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



SCALE: 1" = 20'

ALAMO CREEK
ACFC&WCD
2003-698997 O.R.

POB

L2

L1

70138-A

AREA TO BE TRANSFERRED
155 SF±

LOT 8
TRACT 7943
309 M 30

PARCEL A

LINE TABLE		
NO.	BEARING	LENGTH
L1	S38°53'24"E	8.69'
L2	S89°17'36"W	7.27'

PLAT TO ACCOMPANY LEGAL DESCRIPTION

PARCEL OF LAND TO BE TRANSFERRED

LOT 8, TRACT 7943
DUBLIN, CALIFORNIA

MAY 3, 2011

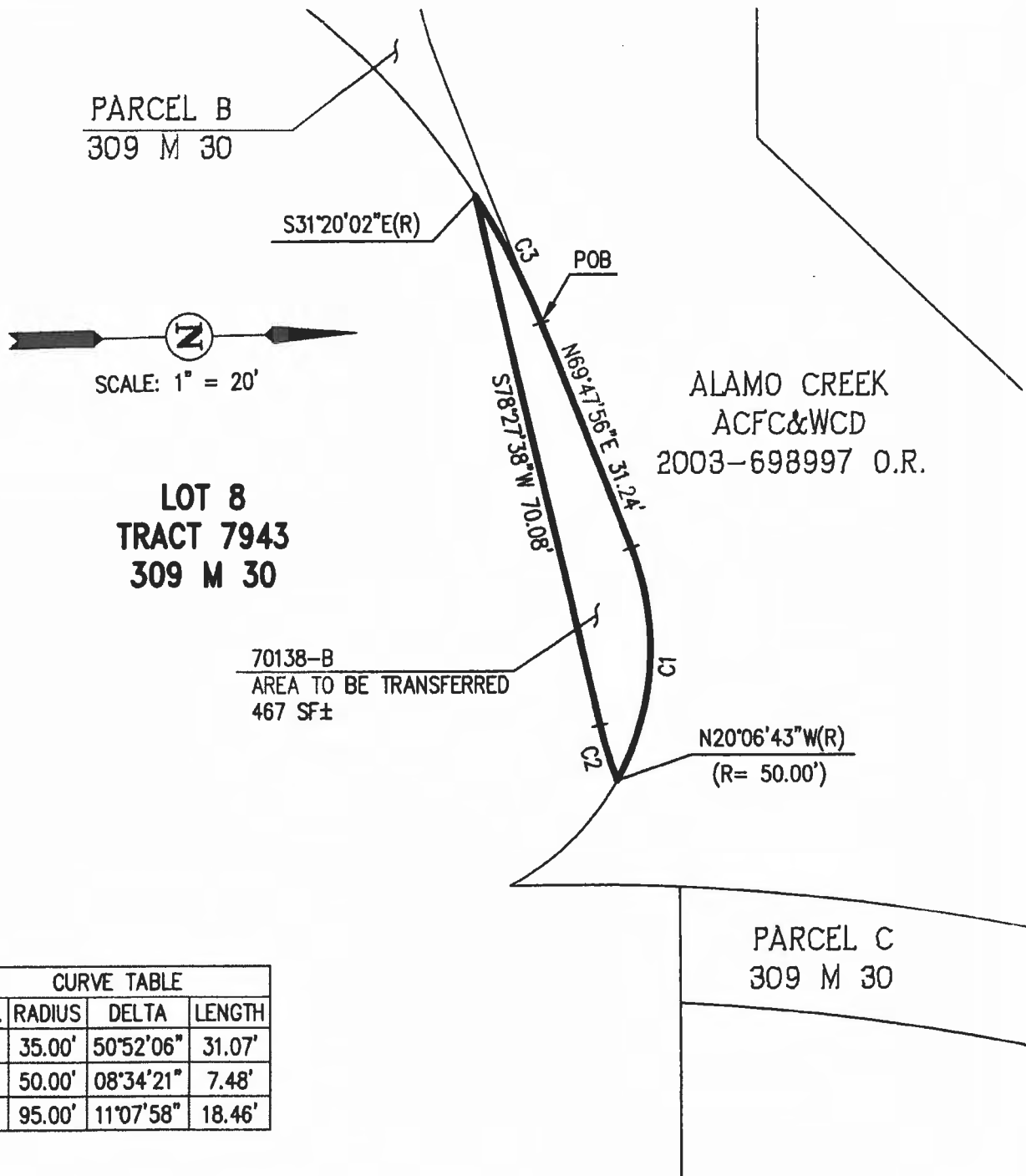
RF-10099
SHEET 1 OF 2

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575



PLAT TO ACCOMPANY LEGAL DESCRIPTION

PARCEL OF LAND TO BE TRANSFERRED

LOT 8, TRACT 7943
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10099
SHEET 2 OF 2

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

North American Title Company
Escrow No. 54605-1076488-11
Recording Requested By and
When Recorded Mail To:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN: 941-0007-001-7 (Portion)

GRANT OF ACCESS EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Eden Housing, a California nonprofit public benefit corporation (hereinafter "GRANTOR") hereby grants to Alameda County Flood Control and Water Conservation District, a body corporate and politic (hereinafter "GRANTEE").

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby, does hereby GRANT and CONVEY unto the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, its successors and assigns, the perpetual non-exclusive easement and right of way for ingress, egress for maintenance of, and general access to Alamo Creek (Line F) over, along, and across the land situated in the City of Dublin, County of Alameda, State of California, described and depicted in Exhibit "A," attached hereto and incorporated herein by reference.

By accepting this Grant of Easement, GRANTEE agrees to give GRANTOR not less than three (3) business days prior written notice before the use of said easement and right of way by GRANTEE, except in the event of an emergency. Notices shall be given by personal delivery, overnight delivery, certified mail, or by telecopy, in each case at the address set forth below or at such other address or addresses as may be specified in writing to GRANTEE by GRANTOR or its successors and assigns:

Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541-5031
Attention: Executive Director

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

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

EDEN HOUSING, INC.

By: _____
Linda Mandolini, Executive Director

EXHIBIT "A"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

DESCRIPTION OF ACCESS EASEMENT AREA

MAP: RF-10097

NO. 70136

APN: 941-0007-001-7 (PORTION)

MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOTS 6, 7, AND 8, AS SAID LOTS 6, 7, AND 8 ARE SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT 6, SAID POINT BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE DESIGNATED AS "NORTH 01°13'02" EAST 166.09 FEET", AS SHOWN ON SAID MAP;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERLY LINE OF SAID LOT 6, NORTH 88°46'58" WEST 8.00 FEET;

THENCE, LEAVING SAID EASTERLY LINE, NORTH 88°46'58" WEST 267.00 FEET;

THENCE, SOUTH 50°38'36" WEST 27.67 FEET TO THE SOUTHWESTERN CORNER OF SAID LOT 8;

THENCE, FROM SAID SOUTHWESTERN CORNER, ALONG THE WESTERLY LINE OF SAID LOT 8, NORTH 12°48'30" EAST 73.14 FEET;

THENCE, LEAVING SAID WESTERLY LINE, SOUTH 77°11'30" EAST 28.04 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 8;

THENCE, ALONG SAID EASTERLY LINE, AND ITS PROLONGATION, ALONG THE ARC OF A NON-TANGENT 20.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 77°11'30" EAST, THROUGH A CENTRAL ANGLE OF 101°35'28", AN ARC DISTANCE OF 35.46 FEET;

THENCE, LEAVING SAID PROLONGATION, SOUTH 88°46'58" EAST 234.27 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 6;

MAP: RF-10097
APN: 941-0007-001-7 (PORTION)

NO. 70136
MAY 3, 2011

THENCE, ALONG SAID EASTERLY LINE, SOUTH 01°13'02" WEST 24.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 8,017 SQUARE FEET OF LAND, MORE OR LESS.

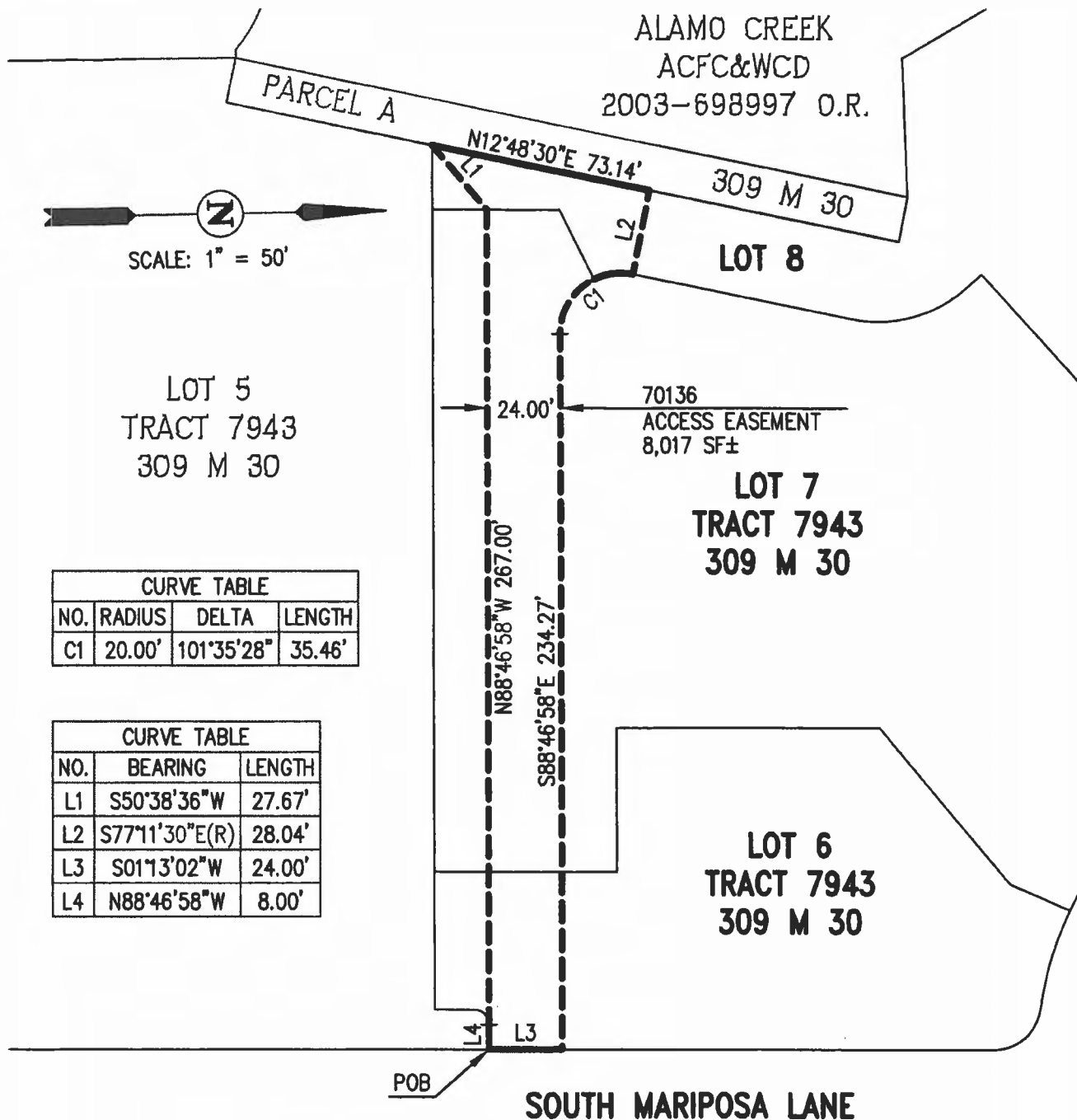
THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



PLAT TO ACCOMPANY LEGAL DESCRIPTION

ACCESS EASEMENT
LOTS 6, 7, & 8, TRACT 7943 (309 M 30)
DUBLIN, CALIFORNIA

MAY 3, 2011

RF-10097

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583

TELEPHONE: (925) 866-0322 FAX: (925) 866-8575



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

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

AGENDA DATE: May 18, 2011

ITEM NO. 6a

SUBJECT: Staffing Update: Congratulations to Retiree

SUMMARY:

We ask the Board to join us in congratulating Todd Wendler, Water Resources Technician II, who has retired from Agency service.

Retirement of Todd Wendler, Water Resources Technician II

We would like to recognize Todd Wendler, Water Resources Technician II who retired from the Agency on May 7, 2011, after over 24 years of service with Zone 7.

Todd joined Zone 7 as a Water Plant Operator III in December 1986. Todd then moved to a Water Resources Technician I position in October 1987 and was promoted to Water Resources Technician II in March 1989. Todd worked for both the Water Resources and Groundwater Sections during his tenure with Zone 7.

We hope you will join us in wishing the best to Todd in his retirement.

RECOMMENDED ACTION:

Adopt the attached resolution acknowledging service to the Agency of Todd Wendler.

WHEREAS, Todd Wendler has served the citizens of the Livermore-Amador Valley since his employment with the Zone 7 Water Agency began in December 1986; and

WHEREAS, Mr. Wendler has served as an important contributor to the success of the Agency throughout his service with Zone 7; first as a Water Plant Operator, then as a Water Resources Technician; and

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

- Monitored the Mining Area for over two decades, and kept detailed records of all Mining activities, water levels, water quality, stream discharges, and evaporative area.
- Provided invaluable field observations and maintained defensible records to operate and manage the groundwater recharge program and maintain Zone 7's Water Right Permit for the Arroyo Valle.
- As a qualified biologist, he provided important review of the Sycamore Grove studies and produced technical reports on flood control restoration projects.
- Annually reviewed land use changes over the Main Basin, and quantified open space, irrigated lands, and evaporative areas for use in determining annual groundwater recharge and evapotranspiration; and

WHEREAS, Mr. Wendler retired from Zone 7 service effective May 7, 2011;

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



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: HUMAN RESOURCES
CONTACT PERSON: TOM HUGHES

AGENDA DATE: May 18, 2011

ITEM NO. **6b**

SUBJECT: New Employee Introduction

SUMMARY:

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

Mike Wallace, Staff Analyst

Mike Wallace joined Zone 7 on Monday, April 25, 2011, as a Staff Analyst working for the Office of the General Manager. Mike will be located at the North Canyons Building reporting directly to Jill Duerig and acting as the Assistant to the General Manager. Mike comes to Zone 7 with over 16 years of management experience including public affairs, sales and marketing, and operational experience. Mike is transferring to Zone 7 from ACERA where he worked as an Administrative Specialist for the past two years. He obtained a Bachelor of Science degree in Business Administration with a minor in Economics from California State University, Hayward.

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

RECOMMENDED ACTION:

Information only.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: HUMAN RESOURCES

CONTACT PERSON: TOM HUGHES

AGENDA DATE: May 18, 2011

ITEM NO. 6c

SUBJECT: Employee of the Month Recognition

SUMMARY:

The Employee Recognition Program Nomination Committee met in April and selected the Employee of the Month for March 2011 according to the established Program Guidelines. The individual chosen out of the submitted nominations is then recommended to Management for approval, and there is a subsequent announcement of the selection to all Agency employees.

Mary Lim, Associate Water Resources Planner, has been chosen from among those nominated as the March 2011 Employee of the Month. Mary currently works for the office of the General Manager at our North Canyons Facility. According to the recommendation the committee received, Mary's work regarding current environmental regulations enabled other personnel inside the agency to perform their work accordingly. She was complimented for providing a helpful interface with regulatory agencies when permits were required for projects. Mary assisted project engineers to stay on top of permitting deadlines by providing quick turnaround when questions arose, while also prompting personnel when a deadline approached.

RECOMMENDED ACTION:

It is recommended that the Zone 7 Board of Directors recognize and congratulate Mary Lim as March 2011 Employee of the Month.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: OFFICE OF THE GENERAL MANAGER
CONTACT: BONI BREWER/AMPARO FLORES/ JOHN KOLTZ

AGENDA DATE: May 18, 2011

ITEM NO. 7

SUBJECT: Presentation by Science & Engineering Fair Awardees

SUMMARY:

- On March 23, as in past years, Zone 7 staff members volunteered to serve as judges of water-related projects in the Tri-Valley Science & Engineering Fair sponsored by the Lawrence Livermore National Laboratory.
- The fair, with hundreds of entries on everything from environmental science to medicine, to computer science, was geared to high school and middle school students and was held at the Robert Livermore Community Center.
- The students selected by Zone 7 staff to receive awards for their water-related projects have been asked to make short presentations at the Board meeting.
- This recognizes the great work these students did in their research, congratulates them in a public setting, and serves as a way to help recognize May as Water Awareness Month.

The following students received Zone 7 awards for their projects:

- **Siddharth Katapati, Rishabh Rao and Wesley Wang, Windemere Ranch Middle School**, who got a junior (grades 6-8) team water award for their study entitled, "Desalinization Machine."
- **Johannes Fischer, Monte Vista High School**, who got a senior (grades 9-12) individual water award for his study, "Effect of Prolonged Shutoff of the Water on Bacterial Growth in Domestic Water Heating Systems."
- **Stephanie Herbert, Granada High School**, who received an individual senior (grades 9-12) water award for her study, "Testing for Toxins in Shadow Cliffs Lake and Their Effects on Aquatic Development."

FUNDING:

As in past years, these water award winners received small cash prizes from Zone 7 funded by Fund 52 – Water Enterprise.

RECOMMENDED ACTION: This is for information only; no action is requested.

ATTACHMENTS: Memo Providing Additional Background and Discussion on Agenda Item

Interoffice Memo

Date: May 18, 2011
To: Jill Duerig
From: Boni Brewer
Subject: Science & Engineering Fair Awardees

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

BACKGROUND:

Each year, Zone 7 staff members volunteer to serve as judges of water-related projects at the Tri-Valley Science & Engineering Fair, sponsored by the Lawrence Livermore National Laboratory. Projects specifically judged by Zone 7 may have relevance to water quality, water treatment, groundwater, hydraulics, hydrology or water resources. This year's judges from Zone 7 were Amparo Flores and John Koltz, engineers from the Engineering and O&M divisions. We want to thank them for their time and generosity in judging these projects.

We also congratulate all the science fair participants and appreciate all of their dedication and hard work.

DISCUSSION:

The following students received water awards from Zone 7 for their projects:

Siddharth Katapati, Rishabh Rao and Wesley Wang - Desalinization Machine -- Junior (Grades 6-8) Team Award

After becoming aware of the use of desalinization plants in coastal cities, this team of middle schoolers became interested in the possibility of an individualized desalinization machine that could be used economically for potable water by rural families living near coastal areas. The team's initial step was to brainstorm various designs on paper, followed by construction of a chosen prototype. After the initial prototype literally went up in flames, the experiment was saved them using non-combustible materials easily available in a home or a hardware store. A teapot, tubing, ice, valves, and appurtenances were purchased. Concentrations of salt were added to a fixed volume of water that went through a boiling and condensation process. Data was gathered for the volume of potable water produced and the concentration of salt removed. Total capital and energy costs were calculated to determine efficiency. The judges were impressed by the students' brainstorming teamwork, their production of a prototype, and their ability to follow the scientific method of controlled parameters and data collection/analysis.

Johannes Fischer - Effect of Prolonged Shutoff of the Water on Bacterial Growth in Domestic Water Heating Systems -- Senior (Grades 9-12) Individual Award

Johannes' parents are from Germany, where households turn off their water heaters at night and turn them back on in the morning to save on energy costs. Johannes wondered why this is not practiced in the United States. In his research, he discovered that regulations restrict this practice due to concerns about a rise in microbial levels in the water heaters when temperatures drop to conditions more favorable to microbial growth. To test whether this is true, Johannes conducted a study in which he shut off the water heater in his home at the same time every night, and then monitored the resulting temperatures and bacterial quality from a hot water tap in the morning. His data, though limited, did not show adverse microbial impacts from the practice. The judges were impressed by Johannes' clear understanding of the problem and its potential implications. His project is novel, and has potential public health and environmental impacts.

Stephanie Herbert - "Testing for Toxins in Shadow Cliffs Lake and Their Effects on Aquatic Development" -- Senior (Grades 9-12) Individual Award

Spurred by anecdotes she had heard as a Livermore resident about the health dangers of swimming in Shadow Cliffs Lake, Stephanie decided to conduct a scientific investigation of the potential presence of toxins in the lake, and their effects on aquatic life. *Daphnia*, a planktonic crustacean more commonly called water flea, was used as the aquatic organism indicator. *Daphnia* populations were exposed to a control water sample (spring water) and to samples of water from Shadow Cliffs. Their heartbeats and reproduction rates were monitored as indicators of potential toxic effects. While the results of the study were inconclusive, the judges were impressed by Stephanie's initiative in using the scientific method to check the veracity of anecdotal evidence, and her hard work in implementing the study. Stephanie also impressed us with her professionalism, eloquence, passion, and understanding of the limitations of her work.

We want to congratulate the winners of this year's contest!

FUNDING:

As in past years, winners received small cash awards from Zone 7 funded by Fund 52 – Water Enterprise.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Office of the General Manager
CONTACT: Robyn Navarra, Water Conservation Coordinator

AGENDA DATE: May 18, 2011

ITEM NO. 8

SUBJECT: 2010 Enhancing Conservation Program, Future Conservation Programs, and Recognize Tri-Valley Businesses for their Conservation Efforts

SUMMARY:

- Water conservation planning, technologies, and practices are evolving daily at an unprecedented rate. A critical element of water conservation planning is to determine the cost-effectiveness of various conservation measures. In implementing SBX7-7 requiring a reduction in water use 20% by the year 2020, an expanded conservation plan was developed in 2010 as a model for the next decade, with the goal of reducing average daily per capita demands.
- Based on a study completed by Kennedy-Jenks (November 2009) that identified the most cost-effective Demand Management Measures (DMMs), also called Best Management Practices (BMPs), for their recommendation, Zone 7 is to select the most appropriate conservation measures for the Zone 7 service area and incorporate these into a detailed implementation plan. Staff presented the framework at the June 17, 2009, Board meeting and have taken steps to implement most of the recommendations over the past year. All of Zone 7's conservation programs comply with the various Programmatic BMPs.
- Staff continues to develop and implement new water conservation programs and to evaluate past program performance measures to reduce water demand by all classes of water users: residential, commercial, industrial and institutional. Programs are geared towards reducing our water footprint and to ensure current programs are providing not only an incentive, but also an educational component.
- Understanding the complexity of water conservation science and the cost to fund programs, staff led a regional conservation grant proposal with the Integrated Regional Water Management Grant Program funded by Proposition 84, The Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006. Thirty-three million dollars is allocated to San Francisco Bay Area Region 1 (nine Bay Area counties). Water conservation was one of five projects submitted in the grant application package to Department of Water Resources and includes water use efficiency, water conservation, recycling and reuse to help meet future water demands. This grant will bring approximately \$14.9 million to the Bay Area and an annual water savings of 1,930 acre-feet annually, beginning in 2012.

FUNDING:

Funding is available in Fund 72-Renewal and Replacement and Fund 73-Capital Expansion.

RECOMMENDED ACTIONS:

No action.

ATTACHMENTS:

- Additional Background Information on Water Conservation Efforts for the 2010 Fiscal Year.

Interoffice Memo

Date: May 18, 2011
To: Jill Duerig, General Manager
From: Robyn Navarra, Water Conservation Coordinator
Subject: 2010 Enhancing Conservation Program, Future Conservation Programs, and Recognize Tri-Valley Businesses for their Conservation Efforts

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

The 2010 fiscal year was an exceptional year for conservation. Legislative activities and the Governor's target of reducing water use 20% by the year 2020 allowed water agencies to re-evaluate, plan, develop, and implement new programs to address drought and conservation. Zone 7, in participation with its retailers, evaluated the current water conservation program/activities including management practices that would have the greatest impact on reducing water demand by providing financial incentives (rebates). The focus was not only to continue incentives to single-family residences, but to also provide incentives to multi-family homes, homeowner associations, schools, apartment complexes, and golf courses with a focus on reducing outdoor water use and waste.

DISCUSSION:

The following highlights the activities for the 2010 calendar year.

High-Efficiency Washer Program: One component of Zone 7's water conservation program is the High Efficiency Washing Machine Dual Rebate Program with Pacific Gas and Electric Company (PG&E). This program began in 2008 and is still increasing in popularity and has been huge success. Nine regional partners consisting of public water agencies participate in this program. The agreement between PG&E and the partners is ongoing. During the 2010 calendar year, Zone 7 processed 3,056 Tier 3 rebates, which have resulted in a water savings of nearly ¹75.0-acre feet in the Zone 7 service area.

Zone 7 continues to administer the DWR Prop 50 Grant for nine Public Water Agency's (PWA) and collectively the PWAs in 2010 processed 55,603 clothes washer rebates and saved approximately 1,361-acre feet (443,600,734 gallons) of water regionally. Since 2008, the PWAs have processed 150,973 rebates with a water savings of 1,899-acre feet (619,081,534 gallons) of water regionally. In reviewing the success of this program, the PWAs agreed to reduce their rebate amount to \$50 - \$75 per clothes washer beginning January 1, 2011. So far, the average number of rebates applications has not fallen at the reduced amount.

High-Efficiency Toilet (1.28 gallons per flush) Program: This High-Efficiency Toilet (HET) program began in 1994 and has showed great success. In 2010, the program was expanded to include Homeowners Associations, multi-family homes and small commercial, industrial, and institutions (CII).

¹ 1. In 2010 the Water Factor (measurement of water savings based on model) increased from 14.0 gallons per day(gpf) to 21.8 gpf based on average water factor of replaced clothes washer is 21.8, per MOU Exhibit 1, BMP 6, Section F with a 10 year life savings.

2. Total number of rebates * 7978 gallon per washer per year / 325,851

For 2010, Zone 7 processed 916 residential and multi-family rebates, which resulted in a water savings of nearly ²15.9-acre feet (5,182,270 gallons) in the Zone 7 service area.

In the first quarter of 2010, staff developed the electronic rebate submittal program to streamline the application process. This electronic fill-in rebate can be printed and mailed, emailed or submitted electronically to www.erebates.com. Applications received are downloaded to a master database to assist staff and our retailers in verifying the validity of applications. This information is utilized to produce reports meeting the California Urban Water Conservation Council BMPs reporting requirements. This tool has greatly reduced administrative costs and staff time for all agencies and provides a tracking mechanism on program information based on number of toilets, make, model number, and cost per unit.

Staff evaluated the availability of 1.28 HET and the average cost per unit. Over the past few years, the newest 1.28 gallon per flush technology is rapidly saturating the market. Reduced cost and product availability were identified in considering reducing the rebate amount. The average customer is spending less than \$200 per toilet, and due to the availability in the commercial market, it was determined by the retailers and Zone 7 staff this is the best time to consider reducing the HET rebate amount. Zone 7 and the water retailers have agreed to reduce the rebate from up to \$150 to up to \$100.

Large Landscape Audit Support Services: This program is part of the expanded Water Conservation Program and is a model project for the Livermore-Amador area. Zone 7 Retailers selected their highest 20 percent water users to participate in the project. A total of 28 businesses and schools were selected. Due to time constraints, out of the 28 businesses selected to participate, only 22 audits were conducted. The sites audited per city were as follows: City of Pleasanton - 11, City of Livermore - 3, Dublin San Ramon Services District - 7, and Zone 7 - 1. California Water Services Company chose not to participate due to their recently conducted audits in their service area.

Water use surveys provided technical assistance to CII customers to use water more efficiently. The report of audits provides recommendations on ways to increase water efficiency, and offers a financial incentive up to \$5,000 to CII customers. The overall findings from the collected audits ranged from broken hardware, high or low pressure in the lines, overspray, mismatched sprinkler heads, improper spacing, plantings blocking sprinklers, and inefficient maintenance; however, if regular checks of the irrigation systems are performed routinely by maintenance staff, a majority of the issues found could be corrected. Another recommendation suggested that the customer conduct weekly maintenance checks so that the necessary repairs could be addressed for additional water savings. It was also determined that the potential water savings based on the calculated water budgets, basically applying water as scheduled, would result in approximately 184 acre feet (59,956,584 gallons) saved annually for these 22 sites.

In 2010, two businesses in the Tri-Valley Area applied for the Large Landscape Incentive Program and have implemented the recommended changes to their irrigation hardware to reduce their water consumption and energy use. I would like to recognize the following businesses 1) Shadow Cliffs East Bay Regional Park District and 2) Oracle America, Inc., Pleasanton, California. As part of the incentive program staff will continue to monitor their water consumption use over the next two years.

² 1 Measured mean toilet Flush volume of 3.5 gpf rated toilets in single-family homes (EBMUD 2001 Water Conservation Market Penetration Study)

2 Average toilet uses per day in homes (Amy Vicker).

3 Average persons per household, year 2000, California: 2.87; <http://quickfacts.census.gov>; Average persons per household: 2.69; Amy Vicker MF average based on CUWCC Exhibit 6:

4 Acre-feet = total number of rebates * 15.6 gallons per day * 365 days per year /325,851

5 Based on 5.1 Flushes per day per person

Schools Outdoor and Indoor Audit Support Services:

Outdoor audits were completed at four schools in the Tri-Valley area. The schools program is 100 percent funded for large landscape surveys and irrigation hardware replacement, indoor surveys and plumbing fixture replacement. In addition to water savings, high efficiency irrigation equipment upgrades can result in energy savings, reduced runoff, and increased turf quality. This program includes the Weather Base Irrigation Controller rebate program. The potential water savings the first year, if the schools implemented the recommendations, is 91.4-acre feet. This savings is based on irrigation hardware replacements; however, the schools do not have the money to pay staff to make these changes. Zone 7 staff and the water retailers continue to work with the individual schools and develop creative ways to implement these changes.

Indoor audits were completed at two schools in the Tri-Valley area. The goal is to provide the schools financial assistance to implement recommended hardware changes. Implementing water conservation in schools offers two-fold benefits: water is saved at the facility and the students receive practical education and experience on the merits of water conservation. The goal is to evaluate the site and install tamper proof fixtures: High-Efficiency Toilets and Urinals. Faucet aerators and low-flow showerheads are proven, inexpensive water-saving devices. Offering these to schools in conjunction with site audits, will result in significant water savings. The indoor audit and hardware replacement water savings is estimated at 15.6-acre feet.

GreenPlumbers Certification Program: Zone 7 sponsored the GreenPlumbers training in Pleasanton at the Parkside location. This 15-week class began in February and ended in May 2010.

GreenPlumbers® is an innovative, national training and accreditation program that assists plumbers in understanding their role in the environment and public health. The organization's goal is to train and deploy a green army of thousands of plumbers to promote the benefits of water conservation and the reduction of GHG emissions. The focus is on changing consumer and plumbing behavior with energy efficiency and water saving technologies.

To participate in this training, students are required to pass a 150-question exam with a successful passing score of 80 percent to earn certification as a GreenPlumber. A certified Green Plumber is allowed to use GreenPlumber USA logo in all of their marketing ads. Zone 7 sponsored 6 participants from businesses in the Tri-Valley area. All six passed the certification exam. One of the businesses has been tracking their High-Efficiency Toilet program since the training and their business alone has saved the valley 545,473 gallons of water. To view their updated the HET calculator go to www.calcoastplumbing.com.

Green Business Certification: Staff is working with Alameda County Green Business Program for restaurants, wineries, and cafes. The goal is saving energy, water, and raw materials; developing a positive, proactive relationship with local compliance inspectors and the program promoting Green Businesses to the public and other businesses. Recently staff performed an on-site indoor and outdoor landscaped audit at Rodrigue Molyneaux Estate Winery and Vineyard. In March 2011, Rodrigue Molyneaux passed the Alameda Business Certification and meets the energy, raw materials, and water conservation certification.

Proposition 84 Integrated Regional Water Management Grant: Zone 7 Water Agency collaborated with eleven Public Water Agencies and one non-profit in the Bay Area on the Prop 84 Water Conservation Grant application. A total of \$33 million is allocated for the San Francisco Bay Area in this grant cycle for water conservation incentives, water recycling, and green infrastructure, of which approximately \$15 million is included for conservation programs through incentives which include 1) Water-Efficient Landscapes, 2) Water Efficient Landscape Education, 3) Weather Based Irrigation

Controllers for CII, 4) Weather Based Irrigation Controllers for Single and Multi-family, 5) High-Efficiency Toilet and Urinal Program, 6) Direct Install High Efficiency Toilet and Urinal Program, and 7) High Efficiency Clothes Washer Program.

Zone 7 is the lead on the water conservation piece of this proposed IRWMP project. The grant application was submitted in January 2011 to the Department of Water Resources (DWR). It is anticipated that DWR will notify grantees of award by June 2011 (See Appendix A for detailed information on the grant proposal). Below is an excerpt of the grant request.

Total Zone 7 Programs:	\$756,750.00
Available match:	\$189,187.00
Grant Request:	\$567,562.50

Total PWA Collaborative Programs:	\$15,359,557.00
Available Match:	\$8,952,685.00
Grant Request:	\$6,406,872.00

This conservation grant will provide funding to continue and expand Zone 7 conservation efforts. The available match will be taken from the existing budget, by program, to offset the programs funding costs.

Planned enhanced conservation programs for 2011:

Collaboration and participation in the IWRMP Proposition 84 grant proposal allowed staff to identify future conservation programs and identify alternative funding sources. On July 1, 2011, Zone 7 will launch additional programs utilizing the current budget. Regardless of the grant, staff will continue to implement the new programs on July 1, 2011 based on the current budget. In the event Zone 7 receives the grant award, it will allow the agency to increase the number of incentives offered. (See Table A)

Table A: Conservation Programs to be Implemented over Two Years with Grant Funding

Program Title	Number of Incentives	Total Cost AF	DWR Cost Per AF	Zone 7 Cost Per AFⁱ	Total Life Water Savings (AF)ⁱⁱ
Water Efficient Landscape	100,000 square feet of turf replacement	\$930	490	440	77
Weather Based Irrigation Controller SF	600	\$863	\$385	\$477	23
Weather Based Irrigation Controllers for MF	400	\$362	\$217	\$145	42
High-Efficiency Toilet and Urinal Direct Install	1500	\$646	\$463	\$183	729
Totals					871

Based on the above table the direct install HET and HEU program achieves the highest acre-feet of water savings over the lifespan of the product. The Water Efficient Landscape program addresses outdoor water use, waste, pollution and run-off; however the total lifespan water saving is minimal in comparison to the indoor fixture program.

To reduce water consumption agencies need to implement a number of programs to capture water savings. One program is not sufficient. The next step in conservation is to educate the public through public outreach, schools programs, and water saving marketing. Zone 7 staff will continue to offer incentive programs to reduce water demand and the reliance on the Delta.

ⁱ Includes administration on unit cost (Labor + Benefits + Professional Services + Overhead)

ⁱⁱ Based on 10 year lifespan of the equipment

Bay Area IRWMP Water Conservation Program Cost and Savings Estimate
Bay Area IRWMP Conservation Program (2 years implementation)

Appendix A

Proj. #	Project Title	Total Regional Rebates	Minimum Rebate Cost/ Unit	Administrartion Unit Cost (L+B+Prof Serv.+OH)	Total Program Cost	DWR Cost (75% of Rebate Unit)	Agency Cost (25% of Rebate and 100% of Admin)	Annual Unit Water Savings (Gal per Year)	Annual Total Water Savings (Gal)	Annual Total Water Savings (AF)	Years of Savings	Total Life Water Savings (AF)	Total Cost per AF (\$)	DWR Cost per AF (\$)	Agency Cost per AF (\$)
1a	Water-Efficient Landscape Rebate	#####	\$0.50	\$0.21	\$2,617,609	\$1,379,625	\$1,237,984	24.93	91,729,733	282	10	2,815	\$ 930	\$ 490	\$ 440
1b	Bay Friendly Landscape Training Program (StopWaste.org)				\$470,979	\$230,247	\$240,732	24.93	28,144,809	86	10	864	\$ 545	\$ 267	\$ 279
2a	Weather Based Irrigation Controller Rebate (SF)	11,390	\$20.00	\$13.57	\$382,377	\$170,850	\$211,527	1,268	14,442,520	44	10	443	\$ 863	\$ 385	\$ 477
2b	Weather Based Irrigation Controller Rebate (CII/ MF)	21,350	\$30.00	\$7.54	\$801,470	\$480,375	\$321,095	3,383	72,227,050	222	10	2,217	\$ 362	\$ 217	\$ 145
3a	High Efficiency Toilet and Urinal Rebate Program	23,300	\$100.00	\$35.25	\$3,151,325	\$1,747,500	\$1,403,825	5,681	132,363,460	406	20	8,124	\$ 388	\$ 215	\$ 173
3b	High Efficiency Toilet and Urinal Direct Install Program	11,961	\$300.00	\$14.10	\$3,756,950	\$2,691,225	\$1,065,725	7,921	94,739,283	291	20	5,815	\$ 646	\$ 463	\$ 183
4	High Efficiency Washer Rebate	51,223	\$50.00	\$25.10	\$3,846,847	\$1,920,863	\$1,925,985	7,978	408,664,306	1,254	10	12,541	\$ 307	\$ 153	\$ 154
	Grant Administration				\$332,000	\$332,000	\$0								
	Agency Grant Request Total	\$8,390,438			\$15,359,557	\$8,952,685	\$6,406,872		842,311,161	2,585		32,819	\$ 468	\$ 273	\$ 195
						58%	42%								

No Cost to PWA's.	Bay Friendly Landscape Training Program (StopWaste.org)	\$230,247
	Agency Grant Request Total	\$8,390,438
	Grant Administration	\$332,000.00
		\$8,952,684.50

SUMMARY MINUTES OF THE FINANCE COMMITTEE
ZONE 7 BOARDS OF DIRECTORS

ITEM NO. 9a

May 4, 2011
4:00 p.m.

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

Zone 7 Staff: Jill Duerig, General Manager
John Yue, Asst. General Manager, Finance
Tamara Baptista, Financial & Systems
Service Manager
Mona Olmsted, Associate Civil Engineer
Jarnail Chahal, Acting Principal Engineer
Judy Rector, Board Secretary

1. Public Comment - None

2. Findings and Recommendations of Zone 7's Asset Management Program Update

There had been a staff debate over whether the Asset Management Program (AMP) update should be heard before the Administrative Committee or the Finance Committee, but because concerns expressed by retailers are more financial than technical, the presentation will be given before the Finance Committee.

Mona Olmsted, Associate Civil Engineer in Water Supply Engineering, presented an overview of what Asset Management is about, the asset renewal forecasting methodology used, and the funding impacts.

Why is Asset Management important? Asset Management facilitates renewal decisions, optimizes capital vs. O&M costs, stabilizes long term impacts on water rates and increases system reliability.

The Retailers have reviewed materials submitted to them and provided comments to staff. The purpose of staff presenting the findings and recommendations for funding the Renewal/Replacement and System-Wide Improvement (R/R and SWI) program for review and discussion is to seek the Finance Committee's direction on recommending the acceptance of the Asset Management Program (AMP) Update to the Board at a future Board meeting.

Since 2004, the total asset value for Zone 7's water system has increased by 36%. The total R/R and SWI funding requirements through 2050 has been estimated at approximately \$487 million. Current annual funding is approximately \$5 million, and is insufficient to sustain the program. Existing water rate projections, as previously presented to the Board as part of the budget process, include incremental increases up to \$10.4 million by FY 2013/1014, keeping with recommendations presented in the 2004 AMP. It is staff's recommendation to continue the increases, which will enable Zone 7 to reach \$11.3 million (in 2011 dollars) in annual R/R and SWI funding by FY 2014/2015. This annual funding level recommendation is reduced from the \$12.5M/year originally recommended by HDR in the draft technical memorandum. The AMP funding recommendation no longer includes the Third Demineralization Facility, and the water conservation programs funding previously included in the AMP analysis as a capital expense was moved to the operating budget.

A concern expressed by retailers and Finance Committee members is that a pay-as-you-go philosophy results in existing customers paying for future projects and future customers benefiting without paying. Debt financing allows cost to be minimized and spread out over time.

There was a lot of discussion concerning if the taste and odor project was needed.

General Manager Jill Duerig said that there are other benefits to having ozone in the plant whether it further reduces THMs, whether it oxidizes some of the chemicals that are not yet regulated, or whether it is another tool in the toolbox for regulatory requirements. We are currently the only South Bay Aqueduct contractor who does not have ozone and that is the tool that is needed when treating Delta water.

Director Machaevich added that he was elected into office based on the platform of improving water quality, including taste and odor, so he is in favor of leaving that portion in the AMP and not taking it out. As Jill mentioned, chemicals in water are a concern and we want to address the issue because down the road it will benefit us all.

Because Zone 7 is transitioning from a new operating system when the original water district was created to a system that is middle age, Director Figuers stated that if the retailers don't want the Taste & Odor project, and they are willing to take the complaints from their customers, Zone 7 doesn't have to build it.

Dave Requa, Assistant General Manager and District Engineer, Dublin San Ramon Services District, agreed that it is a policy issue and that the AMP addresses existing assets that have to be taken care of when they reach middle age. Also, water conservation needs to be looked at on an annual basis, focus on future facilities. Can something else be delayed?

Randy Werner, City of Livermore, said that Lori Rose collected data that shows the cities' AMP and how they are putting as much money away as they can because 20 years from now facilities will be older and they have to be able to fix them. More is not good right now so putting money away for repairs later should be minimized.

Directors Moore and Machaevich both agreed that they would prefer to see the Finance Committee move forward with staff recommendations. Zone 7 doesn't have to increase all at once, but can ramp up one step at a time. It is a policy call so take it to the full board with recommendations from staff. Director Machaevich wants to protect the aging infrastructure and while this year may not be the year for rate increases, maybe next year will be better based on the state of the economy.

Director Figuers added that it is a philosophical as well as a financial decision.

Director Moore suggested that the AMP item be summarized for the board because it will be a pure policy call: how much is enough, how much do you want to do it? Retailers are people serving the community and the Finance Committee should listen.

Director Figuers asked if the board said “no” to staff recommendations, what would happen?

Ms. Duerig replied that the recommendations in 2004 said to use \$10 million for AMP and Zone 7 had reserves of \$35 million. Zone 7 chose, with the retailers’ encouragement, to delay ramp up and every time the CIP is reviewed, we look at pushing back every project that we can. Even doing that, we have been using reserves and only doing mission critical projects to keep the place running. We have, over the past 6 years, depleted the reserves and deferred projects; we can’t keep doing this. There are only so many band-aids you can put on a system to keep it running.

Director Figuers asked of those deferred projects, how many are “this would be nice to do” and how many are “we have to do it in 3 or 4 years and if we don’t do it, we are in deep trouble?”

Ms. Duerig cited an example where one of the delayed projects was a clarifier retrofit where there is a lot of corrosion and a lot of patching. If that fails, or it fails this summer, we will lose 12 million gallons a day because all the water goes through Patterson Pass Water Treatment Plant and we would not be able to bring in the pieces quickly enough to fix it, so we are increasing the risk and vulnerability every year we delay things.

Acting Principal Engineer Jarnail Chahal compared Zone 7’s system to a heart and arteries; if our system fails, no one gets water. If one of the retailer’s pipelines fails, they get water from a neighbor.

Director Machaevich suggested that Zone 7 do inspections more often and aggressively look at inspecting structures so the real condition, good or bad, is known. Minor fatiguing issues could be greater than perceived at this point.

Director Figuers suggested a board policy to look at the current situation yearly and see if anything can be deferred instead of saying everything funded will have to be built. The EPA is mandated to come out with new levels every year. Be on top of it in conjunction with the retailers.

Director Moore moved that the Asset Management Plan Update will be heard by the Board at the May or June board meeting. Director Machaevich seconded the motion followed by a unanimous voice vote and the motion passed 3-0.

For the board meeting, Director Figuers suggested that staff reduce the number of slides and improve the titles - make sure the reason for the slide is clear. Director Moore suggested using photographs of equipment that are showing signs of wear because of deferred maintenance such as the clarifier corrosion at Patterson Pass Water Treatment Plant.

There were no verbal reports.

Since there were no further issues or comments, the meeting was adjourned at 5:40 p.m.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: ADMINISTRATION

CONTACT: Jill Duerig

AGENDA DATE: May 18, 2011

ITEM NO. 12a

SUBJECT: GENERAL MANAGER'S REPORT

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

Engineering and Flood Control:

- Five new bank slides were identified along Alamo Creek, Alamo Canal, Arroyo Mocho, and Line F-4. This increases the total number of bank slides thus far this wet season to 34. One of these, along the Pleasanton Canal, is compromising about five feet of a neighboring backyard. The property owner has been notified and a geotechnical consulting engineer has been retained to develop a remedial design so that repairs can begin as soon as permits and stream flows allow (after April 15th); anticipated repair costs for that single slide are estimated at \$60,000.
- Several stream gages required maintenance as a result of the most recent storm and one incident of vandalism. A log was removed from one gage along the Arroyo del Valle; the transducer conduit was re-attached to the fish ladder and broken transducer wires were repaired along Arroyo Mocho gages; and the loss in calibration at another Arroyo Valle gage remains under investigation.
- Hydrologic modeling for flood control is proceeding in anticipation of the detailed engineering study required for the DIF update promised to the cities in 2012. Staff received the 2006 LiDAR data from Public Works and plan to use the data for developing cross-sections for the model. New RTK-GIS surveying equipment will be used to ground-truth key sections.
- Zone 7 received the first shipment of clarifier parts for Patterson Pass Water Treatment Plant's Fall Rehabilitation Project. Zone 7 will be storing these parts on site until they are needed. The parts are being shipped with a primer coat, stored on timber cribbing and pallets, and covered with secured tarps. These parts include the cage, center column, rake arms, impeller mounts, and miscellaneous braces.
- The Board of Supervisors approved the California Department of Water Resources' (DWR's) requested road closures which will allow the South Bay Aqueduct Enlargement and Improvement (SBA E&I) project to proceed. A portion of Tesla Road will be closed from June 19th through June 25th; a portion of Patterson Pass Road will be closed from June 25th through July 1st; and a temporary road detour of Mines Road will start after the 4th of July weekend and continue for a period of five weeks.

Operations and Maintenance:

- During May, DWR announced an increase in the State Water Project allocation from 70% to 80%. Since groundwater recharge capacity has been reached both locally and outside the basin, most of the extra water will be added to "carryover" for next year.

- Patterson Pass Conventional and Ultrafiltration Plants remained offline for most of the month, with demand being met almost exclusively from the Del Valle Water Treatment Plant. During this period, both the Patterson Pass upgrade project and DWR's work on relining the Patterson Pass Reservoir were completed.

Environmental & External Affairs:

- On April 4th, ACWA released its policy on groundwater, called "Sustainability from the Ground up, California Management in California, A Framework." This policy was adopted by the ACWA board. David Aladjem was one of the three principal writers. In the document, Zone 7 was highlighted as an example of an agency having a successful local groundwater management program. The entire document is available at: <http://www.acwa.com/news/groundwater/acwa-unveils-policy-framework-groundwater-management-0>.
- The third draft (of four) of the Delta Plan was released April 22nd; initial review shows that many of the original concerns remain, especially those related to incorporation of the BDCP (see http://www.deltacouncil.ca.gov/docs/draft_delta_plan/Third_Staff_Draft_Delta_Plan_2011_04_22.pdf)
- Staff continue to collaborate with the Alameda County Resource Conservation District (RCD) and the National Resources Conservation Service (NRCS) on their earmark-funded project downstream of Verona Bridge on the Arroyo de la Laguna. Final 30% design drawings are due soon. Staff anticipates interfacing with the local landowners with respect to the proposed designs in May. The Urban Creeks Council has now shifted to USEPA-match funding to facilitate their continued work with the landowner program.
- Staff received a request from Dublin San Ramon Services District (DSRSD) to include Valley Christian School in the conservation program for schools. A limited budget has been defined and coordination is proceeding.

Finance & Administration:

- The Bay Area Chemical Consortium is preparing to bid for FY 11/12's various chemical needs. Thus far, it appears that Zone 7 will participate in the bids for ferric chloride, polymers, and sodium hydroxide.
- Staff met with representatives from the Western Area Power Administration (under the US Department of Energy). WAPA has tentatively accepted Zone 7's application to become a member. Although very little power will be made available to us, it is still "clean" power (hydroelectric generation) and significantly cheaper than PG&E power. Zone 7 will not actually become a customer before 2014 but all contracts must be in place much earlier.
- On a parallel track, Zone 7 received a letter from the Power and Water Resources Pooling Authority (PWRPA), which is a Joint Powers Authority comprised of nine Irrigation Districts that organized in 2004 under California State law to collectively manage individual power assets and loads. In all, the Authority currently serves 15 water purveyors, and as indicated in the following map, the aerial scope of PWRPA spans a significant portion of the Sacramento-San Joaquin Valleys and coastal counties of California. The April 1st letter indicated that PWRPA is willing to seriously consider adding Zone 7 as another water purveyor/customer. As with WAPA, this could result in the availability of more clean, cheap power for the Zone.

Monthly List of GM Contracts

April 2011

Contracts:

Pestmaster Services, Inc.	\$45,000	Pest Control Services
Urban Creeks Council	50,000	Stanley Reach Program Management
Jensen-Van Lienden Assoc., Inc.	12,200	Geotechnical Engineering Services (emergency channel repair)
Viking Safety Consultants, Inc.	20,000	Risk Management Program Compliance Support
DeElla & Associates	50,000	Facilitate Meetings Regarding Separation from Alameda County

Total April 2011	\$177,200
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ORIGINATING SECTION: OFFICE OF THE GENERAL MANAGER
CONTACT: BONI BREWER

AGENDA DATE: May 18, 2011

ITEM NO. 12b

SUBJECT: Recent & Upcoming Public Outreach Activities

Recent Public Outreach Activities

Livermore Wine Country Festival, April 30-May 1

Zone 7 again shared an informational table with the California Water Service Company at the 20th annual Wine Country Festival, held in downtown Livermore. Several thousand people passed by our booth and, on Sunday when Zone 7 staffed it, we talked directly with nearly 300 people about water conservation and stormwater-pollution prevention.

Bringing Back the Natives Garden Tour, May 1

Zone 7 was among several sponsors of this free, self-guided garden tour, which displayed native and drought-tolerant gardens throughout the East Bay, including seven homes within Zone 7's service area. We staffed a table throughout the day at a home in Pleasanton that had about 400 visitors, and made information available for distribution at other sites.

Dublin Pride Week

Zone 7 participated in this annual celebration of Dublin pride in a variety of ways. On May 12, we teamed up with Dublin San Ramon Services District in staffing a booth at the new Farmers' Market at Emerald Glen Park. Information and activities covered such things as water conservation and stormwater pollution. Also as part of Dublin Pride Week, Zone 7 collaborated with the City of Dublin in providing for volunteer creek cleanups and, in cooperation with DSRSD, worked with the city to help identify senior citizens who may be in need of replacing old toilets with water-efficient models that can qualify for rebates and other assistance.

Bay-Friendly Gardening Tour, May 15

This self-guided tour of water-wise, environmentally friendly gardens at homes and businesses throughout Alameda and Santa Clara counties, coordinated by the Bay-Friendly Coalition, included five locations in Zone 7's service area. Zone 7's participation included a noontime talk about water-wise plants that thrive in our Valley. This talk was held at Alden Lane Nursery in Livermore, which was one of the Bay-Friendly tour sites.

Upcoming Public Outreach Activities

Bay-Friendly Gardening “Rethink Your Lawn” Talk, May 21

Zone 7 will provide various water conservation handouts for distribution during this free, interactive educational workshop on converting lawns to water-conserving, environmentally friendly landscapes, provided by the Bay-Friendly Gardening Program (part of StopWaste.org). The talk will be held from 10 to 11:30 a.m. at Western Garden Nursery in Pleasanton. In addition to covering the “how-to” of lawn conversion, this workshop will include demonstrations on sheet mulching.

Valley Children’s Museum, June 2

Zone 7 is working with Dublin San Ramon Services District on plans to provide fun and informative water-related activities for children this summer to help promote the Valley Children’s Museum’s (VCM) “Moving Mission” mobile unit. The mobile museum will be on display during the new Dublin Farmer’s Market, to be held from 4 to 8 p.m. each Thursday at Dublin’s Emerald Glen Park. Zone 7 and DSRSD have been asked by the VCM to, once monthly this summer starting on June 2, jointly conduct some outdoor water-related activities for children. The idea is to incorporate some fun activities relating to the role of water in our region’s history, while also making it relevant to key issues today – including water conservation and flood protection.



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ORIGINATING SECTION: Administration

CONTACT: Jill Duerig/Tim Hunt

AGENDA DATE: May 18, 2011

ITEM NO. 12c

SUBJECT: Legislative Update

SUMMARY:

- Zone 7 staff, with the support of the agency's lobbying firm, The Gualco Group, Inc., and the agency's legislative support consultant, Tim Hunt, monitors legislation that is being considered in Sacramento.
- Staff, with recommendations of the agency's lobbying firm, determines a number of bills of interest to Zone 7 for the legislative session, such as those related to the Delta. Bills being monitored are summarized in the attached Executive Summary.
- Governor Brown's May "budget revise" was due to be released May 16th. At the time this went to print, it was expected to be an "all cuts" budget to close the estimated \$12 billion shortfall.
- The Department of Water Resources' request for additional positions (87) to improve operations and maintenance of the State Water Project passed the Senate budget subcommittee and now goes to the appropriations committee. The new positions will be paid for by the State Water Contractors.
- Facing strong opposition from a coalition including Zone 7, Senator Lois Wolk pulled SB 200 from the scheduled committee hearing and made it a two-year bill. It contained onerous provisions that undermine the legislative intent of 2009 water package, the Delta Plan and the Bay Delta Conservation Plan.
- Zone 7 and other water agencies dropped their opposition to AB 134 after it was amended to align with state water rights law. The bill would allow Sacramento Regional County Sanitation District to sell recycled water if it receives approval from the state water board. Meanwhile, SB 52 by Sen. Steinberg to allocate \$50 million from existing bond funds to the Sac Regional upgrade failed to advance from committee and is a two-year bill.
- Sen. Simitian's SB 34 passed Senate Finance and Governance on 5-4 vote with one Democrat opposed. It would set up a public trust water fee similar to that used for electrical power. Proceeds would be used to pay for water infrastructure. The bill requires a 2/3 vote for approval since it would impose a "fee" under Proposition 26 so it is unlikely to reach the governor's desk.
- Staff sent a letter of support for SB 215, extending the quagga mussel prevention program for another five years.

RECOMMENDED ACTION: Information only.

ATTACHMENT: Executive Summary.



**EXECUTIVE SUMMARY
State Legislation**

**Prepared for the Zone 7 Water Agency, Eastern Alameda County, Board of Directors
May 6, 2011**



Bill	TOPIC	SYNOPSIS	ZONE 7 STAFF'S RECOMMENDED POSITION	STATUS OF THE BILL/COMMENTS
Delta Stewardship Council				
AB 576 (Dickinson)	Fees	This bill was "gutted" and rewritten on March 31. As amended on March 31, AB 576 would, by January 1, 2013, require the Delta Stewardship Council to develop a long-term plan to pay for the costs of implementing the Delta Plan; would authorize the council, before adopting and collecting long-term revenues, to seek to obtain early funding contributions from entities that may benefit from implementation of the Delta Plan and to track those contributions to provide credit against future funding requirements.	Watch	Pending before the Assembly Water, Parks and Wildlife Committee
AB 359 (Huffman)	Groundwater Management Plans	As introduced on April 11, this bill would, among other provisions, require local agencies to provide a copy of the proposed groundwater management plan to anyone who makes a written request for one, and would require these "interested persons" to receive notice of the date, time, and place of the second hearing to determine whether to adopt the plan, either by mail or electronically, thirty calendar days in advance of the hearing. Beginning January 1, 2013, this bill would require that a groundwater management plan include a map identifying recharge areas, as defined, for the groundwater basin and, after adoption of the plan, the map must be provided to local planning agencies.	Watch	The CA. Groundwater Coalition and the Groundwater Resources Association are the co-sponsors of this bill. The introduced version of AB 359 is opposed by the CA. Cattlemen's Association, CA. Chamber of Commerce, CA. Farm Bureau Federation and Western Growers. The Assembly Water, Parks and Wildlife Committee's analysis of this bill stated that the most recent version of DWR's Bulletin 118, produced in 2003, estimated that 43% of all Californians obtain their drinking water from groundwater. Passed the Assembly Water, Parks and Wildlife Committee by a unanimous vote and passed the Assembly Local Government Committee by a vote of 5-3
Peripheral Canal				
AB 550 (Huber)	Peripheral Canal	The introduced version of AB 550 is identical to the bill (AB 1594) Ms. Huber introduced last year, and which was "held" in the first policy committee. The bill 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. Zone 7 was one of 44 signatories to a 3-18 letter to Assembly Member Alyson Huber in opposition to AB 550	Pending before the Assembly Water, Parks and Wildlife Committee
SB 200 (Wolk)	Delta Conveyance Facility	As amended on March 24, SB 200 would add numerous new conditions that each state agency must meet before it can take or authorize any action to implement a conservation measure with the Bay Delta Conservation Plan (e.g. the action shall not result in significant unmitigated negative impacts to another entity or region; funding for the action shall be consistent with the beneficiary pays principle) would require "full mitigation" absent any definition and would require multiple state agencies to exercise their authority "consistent with protecting and maintaining public trust resources" BACKGROUND: According to the author's "Fact Sheet" on her measure, "SB 200 establishes specific criteria and assurances to meet the statutory co-equal goals of a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem." And, "These assurances are based on the same provisions negotiated by Governor Jerry Brown in 1980."	OPPOSE. Zone 7 was one of 45 signatories to two letters to Senator Lois Wolk in opposition to SB 200	Did not clear policy committee before deadline. Two-year bill.

Bill	TOPIC	SYNOPSIS	ZONE 7 STAFF'S RECOMMENDED POSITION	STATUS OF THE BILL/COMMENTS
AB 627 (B. Berryhill)	"Delta Corridors Plan"	As amended on March 31, AB 627 directs the Department of Water Resources to expedite their evaluation of the feasibility for a through-Delta conveyance plan known as the "Delta Corridors Plan". This study must include an evaluation of ways the Delta Corridors Plan could incorporate the Two-Gates Fish Protection Demonstration Project and shall assess the potential impacts and benefits of operating that project in conjunction with the Delta Corridors Plan. If DWR determines the plan is "feasible", AB 627 requires that DWR included recommendations regarding specific facilities to be constructed and identify potential funding sources for implementation of the plan. Finally, the bill states "it is the intent of the Legislature to appropriate money to DWR to pay the costs of the feasibility study..."	OPPOSE. Zone 7 was one of the signatories to a letter to Assembly Member Berryhill in opposition to his bill	Passed the Assembly Water, Parks and Wildlife Committee by a vote of 9-3. Chair Jared Huffman opposed the bill, but five Democrat members of his committee voted for it; May 11: Hearing by the Assembly Committee on Appropriations
Water Conservation, Supply & Delivery				
SB 215 (Huff)	Mussels	SB 215, as amended on April 26 would extend the existing repeal date from January 1, 2012 to January 1, 2017 of provisions which exempt suppliers from civil or criminal liability IF the supplier is in full compliance with a plan to control and eradicate Quagga Mussels.	SUPPORT.	Passed the Senate Natural Resources and Water Committee by a unanimous vote after ACWA (the sponsor of the bill) agreed to a January 1, 2017 sunset. The concern were the lack of hard data to support indefinite extension of the program and the liability provisions have yet to be tested; May 9: Hearing by the Senate Committee on Appropriations.
SB 224 (Pavley)	Public Contracts: DWR)	As amended on April 14, SB 224 would exempt the following contracts from the review of approval by the Department of General Services: "Any contract of a type specifically mentioned and authorized to be entered into by the Department of Water Resources under the Water Code" "Any contract entered into by the Department of Water Resources that is not funded by money derived from state tax sources, but rather, is funded by money derived from federal and local sources"	SUPPORT. Zone 7 is one of the signatories to a letter to Senator Pavley in support of the April 14 version of her bill	Passed the Senate Natural Resources and Water Committee by a vote of 9-0; May 9: Hearing by the Senate Committee on Appropriations.
SB 571 (Wolk)	Master Plan for Financing/Dev eloping Water Resources	As amended on April 13, SB 571 would establish the California Water Commission as an independent agency, revise the requirements of the California Water Plan, and create a new division in the Water Code titled " Water Resources Investment Planning". The bill would establish the process for the Commission to develop and adopt the "California Water Investment Plan," similar to the State Transportation Improvement Plan by establishing the process for the Commission to make the fund allocations for specific projects and programs, establish the process for the state agencies to develop and implement the "State Water Investment Plan" consistent with the most recently adopted update to the California Water Plan; establish "regional water planning agencies"; establish the process for the regional water planning agencies to develop and implement the "regional water investment plan" introduced on February 17, SB 571 would require the California Water Commission to, on or before January 1, 2013, develop a master plan for financing and developing water resources in the state, including specified assessments, and would require the commission to update the plan every five years; would require the commission to annually review and audit the award of state funds for water resources projects and programs; to develop, consistent with the master plan, a prioritized list of projects and programs relating to water supply, water quality, water conservation, water use efficiency, ecosystem and watershed restoration, and integrated regional water management planning and implementation for purposes of awarding state financial assistance for those projects and programs and to establish guidelines for the award of state financial assistance allocated for integrated regional water management plans. The bill would also declare legislative intent that the commission be given authority to allocate specified state funds for water resources projects and programs.	Watch	Passed the Senate Natural Resources and Water Committee on a strict party-line vote of 5-3; Pending before the Senate Committee on Appropriations.
SB 710 (La Malfa)	Project: County Services State Water Project	As amended on March 25, would authorize a county, in accordance with prescribed procedures, to prepare and adopt a county services impact report containing, among other things, a description of the costs of county services, as defined, related to the operation of specified dams and reservoirs as State Water Project facilities within the county.	Watch	Pending before the Senate Natural Resources and Water Committee.
SB 834 (Wolk)	IRWM Plans	As amended on April 13, SB 834 requires an integrated regional water management planning for any region that receives water from the Delta watershed to demonstrate how the IRWMP complies with the new state policy to reduce dependence on the Delta. Makes findings and declarations stating, among other things, that demand for Delta water and Delta diversions are a significant stressor to the Delta and a significant contributor to the current crisis in the Delta.	Watch	Passed the Senate Natural Resources and Water Committee on a strict party-line vote of 5-3. The Association of California Water Agencies is opposed to this bill. Pending on the Senate Floor.

Bill	TOPIC	SYNOPSIS	ZONE 7 STAFF'S RECOMMENDED POSITION	STATUS OF THE BILL/COMMENTS
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California Regional Water Quality Control Boards

SB 900 (Steinberg)	Regional Water Quality Control Boards	As amended on April 6, SB 900 would delete the provisions prohibiting a board member from participating in actions that involve the member or a waste discharger with which the member is connected; would specify that the limitation on a board member's financial interest applies only to a disqualifying financial interest within the meaning of the Political Reform Act of 1974. The Porter-Cologne Water Quality Control Act, with certain exceptions, requires a waste discharger to file a report of waste discharge with a California regional water quality control board and to pay an annual fee established by the State Water Resources Control Board (state board). The act requires the state board to report to the Governor and the Legislature on the expenditure of those annual fees on or before January 1 of each year. This bill would, instead, require the state board to provide the report to the Governor and the Legislature on or before December 1 of each year.	Watch	Passed the Senate Environmental Quality Committee ; Pending before the Senate Committee on Appropriations.
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Special Districts

AB 54 (Solorio)	Drinking water	As amended on April 14, AB 54 would specify that any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes, and any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for domestic use shall be known as a mutual water company. The bill would also require each mutual water company operating as a public water system to, by December 31, 2012, submit a map depicting the boundaries of the property that the municipal water company serves to the Secretary of State and the local agency commission within the county in which the mutual water company operates. The bill would prohibit a mutual water company from expanding its boundaries without approval from the appropriate local agency formation commission.	Watch	May 11: Hearing by the Assembly Committee on Appropriations.
AB 59 (Swanson)	Family and medical leave	Existing law, the Moore-Brown-Roberti Family Rights Act, makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period (1) to bond with a child who was born to, adopted by, or placed for foster care with, the employee, (2) to care for the employee's parent, spouse, or child who has a serious health condition, as defined, or (3) because the employee is suffering from a serious health condition rendering him or her unable to perform the functions of the job. Under the act, "child" means a biological, adopted, foster, or stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under 18 years of age or an adult dependent child. The act defines "parent" to mean the employee's biological, foster, or adoptive parent, stepparent, legal guardian, or other person who stood in loco parentis to the employee when the employee was a child. This bill would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, (2) expanding the definition of "parent" to include an employee's parent-in-law, and (3) permitting an employee to also take leave to care for a seriously ill grandparent, sibling, grandchild, or domestic partner, as defined.	Watch	Passed the Assembly Committee on Labor and Employment by a vote of 5-1; Pending before the Assembly Committee on Appropriations.
ACA 4 (Blumenfield)	Local government financing: voter approval	This measure would lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in one year the income and revenue provided in that year, that is in the form of general obligation bonds to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police or fire protection.	Watch	June 15: Hearing by the Assembly Committee on Local Government.
SB 31 (Correa)	Local government: lobbyist registration	The Political Reform Act of 1974 provides for the comprehensive regulation of lobbyists, as defined. As amended on March 23, SB 31 would enact a comprehensive scheme to regulate lobbying entities, as defined, that lobby local government agencies, including requirements to register and make periodic reports regarding certain lobbying activities; would require each local government agency to create a commission to implement and enforce the provisions of the bill.	Watch	Pending before the Senate Committee on Elections and Constitutional Amendments

Bill	TOPIC	SYNOPSIS	ZONE 7 STAFF'S RECOMMENDED POSITION	STATUS OF THE BILL/COMMENTS
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Sacramento Regional County Sanitation District

AB 134 (Dickinson et al.)	Appropriation of water	As amended on April 15, AB 134 would authorize the Sacramento Regional County Sanitation District to file an application with the State Water Resources Control Board for a permit to appropriate "an amount of water up to the amount of treated wastewater that is discharged into the Sacramento River in order to facilitate sale and transfer beyond SRCSD's service area. The bill would authorize, but not require, the board to grant the permit "subject to the terms and conditions as in the board's judgment are necessary for the protection of the rights of any legal user of the water".	Initially Opposed/Now Neutral as a result of the April 15 amendments. Zone 7 was one of 47 signatories to a letter to Assembly Member Roger Dickinson in opposition to AB 134.	Passed the Assembly Committee on Water, Parks and Wildlife by a vote of 9-1; May 11: Hearing by the Assembly Committee on Appropriations.
SB 52 (Steinberg)	Sacramento Regional County Sanitation District	As introduced on December 15, 2010, SB 52 would appropriate \$50 million dollars from Propositions 1E and 84 to DWR to provide financial assistance to the SRCSD to offset a portion of the costs of capital improvements at the SRCSD wastewater treatment plant to meet the requirements of the SRCSD discharge permit adopted by the Central Valley Regional Water Quality Control Board.	Watch	Failed on first vote in Senate Environmental Quality Committee. Now a two-year bill.
AB 157 (Jeffries)	Water Bond	Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters at the November 6, 2012, statewide election, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program. This bill would reduce by 25% the total amount of bonds authorized to be issued pursuant to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, and would make conforming reductions to amounts specified to be allocated from these bond funds for certain purposes.	Watch	Pending a hearing by the Assembly Committee on Water, Parks and Wildlife.
SB 475 (Wright et al.)	Infrastructure Financing	Existing law authorizes a governmental agency, as defined, to solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction by, and lease to, private entities, for specified types of fee-producing infrastructure projects. Existing law permits these agreements to provide for infrastructure facilities owned by a governmental entity, but constructed by a private entity, to be leased to or owned by that private entity for a period of up to 35 years. As amended on Ma3, AB 475 would authorize a local governmental agency to enter into an agreement with a private entity for the financing of specified types of revenue-generating infrastructure projects	Watch	Pending on the Senate Floor.
SB 34 (Simitian)	California Water Resources Investment Act of 2011	As amended on April 13, SB 34 would enact the California Water Resources Investment Act of 2011. The Act finds that it is necessary to establish a sustainable revenue source to fund the public benefits of water related projects and programs. A charge would be levied on all retail water suppliers consistent with the "beneficiaries pay" and "polluters pay" principles. There would a charge for "non-agricultural water uses" on a per-acre-foot of use basis and an assessment imposed on "agricultural water uses" on a per-acre of irrigated lands basis. The proceeds of the revenue source would be shared between the state and regions, half allocated to the state to fund statewide and interregional public benefits, half would be allocated among the regions to fund the regional and local public benefits associated with water related projects and programs.	Watch	Requires a super-majority vote of both the Assembly and Senate to pass. Passed the Senate Natural Resources and Water Committee by a vote of 5-3; May 4: Passed the Senate Committee on Governance and Finance by a vote of 5-4; Pending before the Senate Committee on Appropriations.
SB 907 (Evans et al.)	Infrastructure Financing	As amended on May 3, this bill would would create the Master Plan for Infrastructure Financing and Development Commission, consisting of specified members, and would require the commission to prepare and submit a strategy and plan for infrastructure development in California that meets certain criteria to the Legislature and the Governor by December 1, 2013. This bill would provide that the commission would dissolve 30 days after submission of its final report.	Watch	May 16: Hearing by the Senate Committee on Appropriations.



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ORIGINATING SECTION: ADMINISTRATION

CONTACT: Jill Duerig/John Yue/Tom Hughes

AGENDA DATE: May 18, 2011

ITEM NO. 12d

SUBJECT: STATUS REPORT ON SEPARATION EFFORTS

SUMMARY:

Work with the various consultants continues. Currently involved in the various separation components are Management Partners (policies and procedures), IEDA (labor relations), Urban Futures (accounting and financial management support) and Pat Ford (local politics).

Business Administration:

- The identified list of administrative and financial draft policies and procedures have been received and comments gathered from the Accounting Staff. Internal review of the drafts with other sections is planned.
- Staff held a teleconference meeting with one of the payroll vendors to answer some final questions regarding the Agency's requirements. The vendor has scheduled a demonstration to take place on May 16th.
- Work is commencing to apply for an independent (separate from the county) Employer Identification Number (EIN). Applications to both the State and the Internal Revenue Service are required. EINs are needed to support outsourcing payroll and to establish a Zone 7 bank account.
- Finance and accounting staff reviewed the draft RFP for the new financial software with comments and clarification questions transmitted to the consultant. Additional comments will be sought from the Management Advisory Team members next.

Employee Services:

- A Joint Separation Negotiations meeting with the four bargaining units is scheduled to take place March 25, 2011. A response to the union's proposal of March 31st is being prepared by staff.
- Staff is scheduling a meeting with Alameda County Human Resources representatives Mary Welch, Steve Amano, and Cynthia Baron regarding moving forward with separation.
- A master list of policies and procedures continues to be developed and draft documents are being reviewed by various staff, which includes coordination with policy drafts being developed by Finance staff that may have labor or Meet and Confer impacts.



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ORIGINATING SECTION: Human Resources

CONTACT PERSON: Tom Hughes

AGENDA DATE: May 18, 2011

ITEM NO. 12e

SUBJECT: Recent Employee Activities – Staff Report

Take Our Children to Work Day, April 19, 2011

Zone 7 participated in Take Our Children to Work Day on Tuesday, April 19, 2011 in commemoration of the National Take our Daughters and Sons to Work Day that was created to encourage self-esteem, respect for work, and interest in career development among young people. Staff provided numerous activities for 9 children, including one adult “child” and their sponsoring Zone 7 parents.

The Agenda included the following:

1. Staff welcomed the children and their parents to the event.
2. **Liz Wilkins** from Morrison & Associates guided the children through a lively presentation of Life as a Water Molecule, including an interactive lesson in which participants travelled to stations representing the journey of a typical water molecule and created a colorful bracelet along the way.
3. A tour of the Del Valle Water Treatment Plant and an overview of the entire treatment process were provided by **Caroline Abram**, Water Plant Operator III including observation of a real-time filter backwash process assisted by **Dan Tobias**, Water Plant Operator III.
4. **Colter Andersen**, Operations Manager, demonstrated the start up of the Mocho 4 Well and gave a tour of the Mocho Demineralization Plant where he explained the equipment and operation to the participants.
5. The children traveled to the Arroyo las Positas and its confluence with the Arroyo Mocho where **Matt Katen**, Principal Engineer, and **Mike Garguilo**, Water Resources Technician II helped them observe fish ladders and a sediment basin and led them in the ever-popular rubber duck races.
6. In the Board Room, the children were presented certificates of participation and staff thanked them for their participation.

A display board with photos from Zone 7’s 2011 Take Our Children to Work Day is on display for your review.

Service Recognition Awards, May 5, 2011

Service Recognition Awards are presented annually to employees reaching 5 year increment milestone anniversaries with Alameda County. The Service Awards Ceremony for Zone 7 employees includes celebrating Public Service Recognition Week that was proclaimed to show appreciation for public service employees at the federal, state, and local levels.

Zone 7's Service Awards ceremony was held on Thursday, May 5, 2011 in the Board Room. All Zone 7 Employees were honored with a continental breakfast at which time Jill Duerig, General Manager, expressed the Agency's appreciation to all employees for their dedicated service. The following employees who reached milestones received awards and were recognized individually during the ceremony:

35 Years

Rick Andersen

25 Years

Steve Ellis

Jaime Rios

20 Years

Keith Braaten

Jarnail Chahal

Vince Cirelli

Kevin Correia

Diana Gaines

Kevin Hulme

15 Years

Sal Segura

Athena Watson

10 Years

Joe Cerro

Carol Mahoney

Tom Pico

Teri Yasuda

Steve Yonkman

5 Years

Caroline Abram

Colter Andersen

James Ballou

Dale McCombs

Ron Ray

Tom Schall

Ginger Staton

The 2011 Service Awards Ceremony also included the second annual Zone 7 Hall of Fame Awards, a new, informal, and fun way for employees to recognize their peers for what they do best. This year's categories and winners are as follows:

"True Blue" (tie)

Tom Hughes, Assistant General Manager – Personnel, and
Matt Katen, Principal Engineer

"Guru"

Gerald DeWitt, Maintenance Manager

"Green"

Donna Fabian, Administrative Assistant

"Comic Relief"

Peter Cruttenden, Water Resources Technician III

"MVP" (tie)

Jarnail Chahal, Acting Principal Engineer, and
Jill Duerig, General Manager

The winners were announced at the conclusion of the regular Service Awards ceremony. Each individual was presented with a framed certificate in honor of his or her recognition. Photos of Zone 7's 2011 Service Awards and Hall of Fame Awards Ceremony are on display for your review.

RECOMMENDED ACTION: Information Only



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Water Supply Engineering
CONTACT: Brad Ledesma\ Jarnail Chahal

AGENDA DATE: May 18, 2011

ITEM NO. 12f

SUBJECT: Annual Review of Sustainable Water Supply for Zone 7 Water Agency

SUMMARY:

- Water demands over the next five years are projected to increase from 51,900 to 53,800 acre-feet (AF) by 2015 (a 3.7% increase) without water conservation, and could decrease by 1,100 AF pending the success of implementing the Water Conservation Act of 2009 (SBX7-7).
- Water supply yield in 2011 from existing water supply contracts and Zone 7's existing water right permit is projected at approximately 67,400 AF based on Department of Water Resources current allocation of State Water Project Table A amount (80%). DWR's final allocation is expected to be between 80 and 85%.
- Long-term average water supply available from existing water supply sources has remained constant at approximately 55,050 AF.
- Approximately 197,500 AF of stored water is available to Zone 7 in the local and out-of-basin facilities, of which, about 54,600 AF is available for use in 2011 through existing pump back and conveyance facilities. Between 2012 and 2015, Zone 7 can count on an average of approximately 35,600 AF per year of stored water.
- Zone 7 has sufficient water supplies to meet projected water demands over the next five years—with or without water conservation. However, Zone 7's long-term water supply is at risk and subject to a very uncertain future due to court rulings and biological opinions associated with the Sacramento-San Joaquin Delta (Delta), and climate change.
- In response to these findings, Zone 7 staff has nearly completed a detailed evaluation of Zone 7's water supplies that will make recommendations to help minimize near-term risks of water supply shortages while maximizing long-term flexibility until more information is known regarding a fix in the Delta. Zone 7 staff hopes to present this 2011 Water Supply Evaluation (WSE) to the Board in June 2011.

FUNDING: No funding impact.

RECOMMENDED ACTION: Discussion only.

ATTACHMENTS: Interoffice memorandum providing additional background and discussion of the agenda item.

INTEROFFICE MEMORANDUM

DATE: May 18, 2011
TO: Jill Duerig, General Manager
FROM: Brad Ledesma, Associate Engineer
SUBJECT: Annual Review of Sustainable Water Supply for Zone 7 Water Agency

On August 18, 2004, Zone 7 Water Agency (Zone 7) adopted the Reliability Policy for Municipal and Industrial (M&I) Water Supplies (Resolution 04-2662).¹ Resolution 04-2662 requires that Zone 7 staff complete an annual review of sustainable water supplies (Annual Review); the purpose of this memorandum is to comply with this requirement.

The 2011 Annual Review covered the following:

- Projected Water Demands: Next Five Years
- Available Water Supplies to Zone 7 at the Beginning of 2011
- Comparison of Supply and Demand: Next Five Years
- Programs Necessary to Meet Water Demands

The review completed in this memorandum indicates that Zone 7 has sufficient water supplies to meet projected water demands over the next five years with or without additional water conservation.

Zone 7's long-term water supply, however, is at risk and subject to a very uncertain future due to court rulings and biological opinions associated with the Sacramento-San Joaquin Delta (Delta), and climate change. In response, Zone 7 staff has nearly completed a detailed evaluation of Zone 7's water supplies that will make recommendations to help minimize near-term risks of water supply shortages while maximizing long-term flexibility until more information is known regarding a fix in the Delta. Zone 7 staff hopes to present this 2011 Water Supply Evaluation (2011 WSE) to the Board in June 2011.

PROJECTED WATER DEMANDS: NEXT FIVE YEARS

Every year Zone 7 obtains water demand projections from all of its customers for the next five years—Table 1 summarizes these projections for 2011 to 2015 without additional water conservation.² As shown in Table 1, Zone 7's total water demands are projected to increase by 3.7 percent between 2011 and 2015, while water demands for Zone 7's untreated customers are expected to remain constant; this is the same rate observed in the 2010 Annual Review. Additionally, the 2011 estimates are only about 2% higher than the 2010 estimates and therefore, projected water demands—without water conservation—have not changed.

¹ A copy of Resolution 04-2662 is provided as Attachment A.

² Water conservation associated with the Water Conservation Act of 2009 (i.e., Senate Bill SBX7-7) is discussed in subsequent sections.

Table 1. Projected Zone 7 Water Demands: Next Five Years, acre-feet^(a)

Type	2011	2012	2013	2014	2015
M&I ^(b,c,d)	47,400	47,800	48,100	48,600	49,300
Untreated	4,500	4,500	4,500	4,500	4,500
Total	51,900	52,300	52,600	53,100	53,800
<i>2010 Annual Review</i>	<i>50,800</i>	<i>51,200</i>	<i>51,700</i>	<i>52,100</i>	<i>52,700</i>
% Increase	2.2%	2.1%	1.7%	1.9%	2.1%

(a) Demands were rounded to the nearest 100 acre-feet.

(b) M&I = Municipal and Industrial.

(c) Demands include California Water Service Company, Dublin San Ramon Services District, City of Livermore, City of Pleasanton, Zone 7's direct retail customers, and Zone 7's unaccounted-for water.

(d) Demands include unaccounted-for water and groundwater-pumping quota for Dublin San Ramon Services District.

Water Conservation Act of 2009 (20 Percent Reduction by 2020)

In November 2009, the California legislature passed the Water Conservation Act of 2009 (Conservation Act), also known as Senate Bill X7-7. The Conservation Act created a framework for future planning and actions by water supply retailers and agricultural water suppliers to reduce California's water use. More specifically, the Conservation Act requires water supply retailers to reduce their per capita water consumption 20% from their baseline by 2020.

Although Zone 7 is not directly subject to the requirements of the Conservation Act because it is a wholesale water agency, Zone 7 fully supports the existing and planned efforts of the local water supply retailers³ to comply with this new law. Unfortunately, the local water supply retailers are still refining their own estimates of potential conservation savings; consequently, Zone 7 staff developed a preliminary estimate using service area-wide average daily per capita demands. The total potential savings was estimated to be approximately 6,000 acre-feet (AF). Approximately 50% of this (or 3,000 AF) was assumed implemented by 2015 per Conservation Act guidelines. These planning-level estimates were shared with the local water supply retailers as part of completing the 2011 WSE.

Table 2 compares projected water demands over the next five year with and without potential water conservation savings associated with the Conservation Act. As shown in Table 2, projected water demands could decrease between 2011 and 2015 depending on the success of regional conservation efforts.

³ The local water supply retailers include California Water Service Company, City of Livermore, City of Pleasanton, and Dublin San Ramon Services District.

Table 2. Projected Zone 7 Water Demands with Water Conservation, acre-feet^(a)

Type	2011	2012	2013	2014	2015
Total Water Demand	51,900	52,300	52,600	53,100	53,800
Additional Water Conservation	(600)	(1,200)	(1,800)	(2,400)	(3,000)
Revised Water Demand	51,900	51,100	50,800	50,700	50,800

(a) Demands were rounded to the nearest 100 acre-feet.

(b) Water conservation is based on preliminary estimates determined by Zone 7 staff and reviewed by Zone 7's Retailers; these estimates will likely change as the Retailers better refine their own estimates.

For planning purposes in this review, Zone 7 staff compared projected water supplies with projected water demands, with and without water conservation, over the next five years.

AVAILABLE WATER SUPPLIES TO ZONE 7 AT THE BEGINNING OF 2011

Zone 7 has developed a robust water supply system consisting of imported surface water, local runoff, groundwater recharge activities, local storage (Lake Del Valle, groundwater basin, and future Chain of Lakes), and non-local storage.⁴ This diverse water supply system allows Zone 7 to store excess water during normal and wet years, and draw on these reserves during dry years to create a sustainable and reliable water supply for the Livermore-Amador Valley.

The purpose of this section is to review the water supplies, including contracted supply and stored water, available to Zone 7 at the beginning of 2011. Attachment B provides a more detailed description of all of Zone 7's water supplies and their status.

Projected Yield from Contracted Water Supplies in 2011

Each year Zone 7 receives water supply from its contracts with the Department of Water Resources (DWR) for State Water Project (SWP) water, its water rights permit for diversions from Arroyo del Valle, its contract with Byron Bethany Irrigation District (BBID), and DWR for Yuba Accord Water. The exact quantity of water supply available through these contracts is unknown at the beginning of the year because the yield depends on many factors, including local precipitation and snowfall in the Sierras.

For planning-level purposes, Zone 7 staff estimates the projected yield from these water supplies at the beginning of the year, along with an estimate of the long-term average yield. Table 3 presents the projected yield in 2011 and the long-term average yield based on a review of actual deliveries, rainfall, DWR projections from January to May 2011, and a review of any new planning-level documents.⁵ Table 3 also includes the long-term operational losses associated with both artificial recharge in the local groundwater basin and participation in non-local groundwater banking programs.

As shown in Table 3, the projected yield in 2011 from Zone 7's existing contracted water supplies is approximately 67,400 AF based on DWR's current allocation of SWP Table A amount (80%); the final allocation is expected to be between 80 and 85%. Table 3 also indicates

⁴ Additional information on each of Zone 7's water supply and storage components is available in Attachment B.

⁵ New planning-level documents include DWR's Final 2009 Reliability Report.

that the long-term average yield is projected to be approximately 55,050 AF after considering operational losses and that Zone 7 has 50% more water in 2011 than in 2010 due to wet conditions—especially, the significant amount of rain and snow in February and March of 2011.

Table 3. Projected Yield from Existing Contracted Water Supplies, acre-feet

Source ^(a)	Available in 2011		Long-term Average	
	Yield	% of Total	Yield	% of Total
State Water Project	64,500 ^(b)	86.5 %	48,400 ^(c)	83.5 %
Arroyo del Valle Runoff	9,500	12.7 %	7,300	12.6 %
Byron Bethany Irrigation District	600 ^(d)	0.8 %	2,000	3.5 %
Yuba Accord (via DWR)	0	0.0 %	250	0.4 %
Subtotal	74,600	100.0 %	57,950	100.0 %
Operational Losses ^(e)	(7,100)	0.0 %	(2,900)	5.0%
Total	67,400	100.0 %	55,050	95.0%
<i>2010 Annual Review</i>	<i>44,800</i>		<i>55,050</i>	
<i>% Increase</i>	<i>50%</i>		<i>0%</i>	

(a) Attachment B provides additional detail on each contract.

(b) 2011 Yield is based on 80% (current 2011 allocation) of Zone 7's Table A amount of 80,619 AF.

(c) Long-term average yield is based on 60% of Zone 7's Table A amount of 80,619 AF, as presented in DWR's Final 2009 Reliability Report.

(d) Although Zone 7 has up to 5,000 AF available for purchase, only about 600 AF will be purchased this year due to increased yield from other water supply sources.

(e) Operational losses include the losses associated with artificial recharge in the local groundwater basin, and contractual losses associated with putting water into either Semitropic and/or Cawelo. Quantity is based on the Annual Operations Plan for 2011, updated on 4/25/11.

AVAILABLE STORAGE AT THE BEGINNING OF 2011

Zone 7 currently stores water in various storage facilities or programs to help meet water demands during acute or prolonged droughts. Table 4 summarizes the total accumulated stored water available to Zone 7 over the next five years, the maximum stored water available for use in 2011, and minimum annual stored water available for use between 2012 and 2015. A more detailed description of Zone 7's available storage is provided in Attachment B. As shown in Table 4, Zone 7 has about 8% more total accumulated stored water and 7.5% more annual minimum stored water available for use between 2012 -2015 in 2011 than in 2010, while the stored water available for use in 2011 is about 10% lower due to SWP carry over losses associated with the filling of San Luis Reservoir in March 2011.

Table 4. Stored Water, acre-feet

Storage Facility or Program	Total Accumulated Water in Storage ^(a)	Stored Water Available for use in 2011	Minimum Annual Stored Water Available between 2012 and 2015
Main Groundwater Basin	80,000	20,200 ^(b)	14,000 ^(c)
Lake Del Valle Carryover	7,700	7,700	10,000 ^(e)
State Water Project Carryover	19,000	11,000 ^(d)	
Semitropic	80,800	15,700 ^(f)	9,100 ^(g)
Cawelo	10,000	0 ^(h)	2,500 ^(h)
Total	197,500	54,600	35,600
<i>2010 Annual Report</i>	<i>182,500</i>	<i>60,600</i>	<i>33,100</i>
<i>% Increase</i>	<i>8.2%</i>	<i>(9.9%)</i>	<i>7.5%</i>

(a) Accumulated water in storage (above historic low) is an estimate through April 2011.

(b) As the available water in storage decreases in the main basin, the capacity to pump groundwater in any given year also decreases due to well locations and defined historic lows. For 2011, 20,200 acre-feet was used as a conservative estimate for planning-level purposes in this memorandum.

(c) A conservatively small pumping amount of 14,000 acre-feet per year was used assuming the next few years were dry.

(d) Zone 7 lost approximately 8,000 acre-feet of SWP carryover this year when San Luis Reservoir filled.

(e) Zone 7 typically carry's approximately 10,000 acre-feet from one year to the next.

(f) 2011 availability includes pump back of 9,100 acre-feet, and potential exchange water of approximately 6,600 AF assuming the SWP delivery remains at 80% of Zone 7's Table A amount.

(g) The minimum pump back from Semitropic is 9,100 acre-feet.

(h) Zone 7 plans to send water to Cawelo in 2011; therefore, no water would likely be pumped back. For comparative purposes in the 2011 Annual Review, Zone 7 staff assumed that water stored in Cawelo storage could be used in equal amounts between 2012 and 2015, or about 2,500 acre-feet per year over four years.

COMPARISON OF SUPPLY AND DEMAND: NEXT FIVE YEARS

Table 5 compares available water supplies in 2011 to projected water demands over the next five years. For comparative purposes in this memorandum, long-term average supplies and minimum available from storage over the next five years were used to compare with projected water demands between 2012 and 2015. As shown in Table 5, Zone 7's existing water supply exceeds projected water demands over the next five years, with or without water conservation. Additional analysis also showed that Zone 7 could meet projected water demands during Single Dry and Multiple Dry years over the same period.⁶

⁶ Analysis completed as part of the 2011 WSE; Zone 7 staff hopes to present the results to the Board in June.

Table 5. Comparison of Supply and Demand: Next Five Years

Component		2011	2012	2013	2014	2015
Without Conservation	Water Supply	67,400	55,050	55,050	55,050	55,050
	Available from Storage	54,600	35,600	35,600	35,600	35,600
	Water Demand ^(a)	(51,900)	(52,300)	(52,600)	(53,100)	(53,800)
	Total	70,100	38,350	38,050	37,550	36,850
With Conservation	Water Supply	67,400	55,050	55,050	55,050	55,050
	Available from Storage	54,600	35,600	35,600	35,600	35,600
	Water Demand ^(a)	(51,900)	(51,100)	(50,800)	(50,700)	(50,800)
	Total	70,100	39,550	39,850	39,950	39,850

^(a) Includes both M&I and Untreated water demands.

PROGRAMS NECESSARY TO MEET WATER DEMANDS

The review completed as part of this memorandum indicates that Zone 7 has sufficient water supplies to meet projected water demands over the next five years with or without additional water conservation. As demonstrated in previous water supply analyses completed by Zone 7 staff, however, Zone 7's water supply is at risk and subject to a very uncertain future due to court rulings and biological opinions associated with the Delta, and climate change.⁷

In response to these findings, Zone 7 staff has nearly completed a detailed evaluation of Zone 7's water supplies that will make recommendations to help minimize near-term risks of water supply shortages while maximizing long-term flexibility until more information is known regarding a fix in the Delta. Zone 7 staff hopes to present this 2011 WSE to the Board in June.

⁷ Zone 7, 2009. Water System Update. November 18.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO 04-2662

INTRODUCED BY DIRECTOR MARCHAND
SECONDED BY DIRECTOR CONCANNON

Reliability Policy for Municipal & Industrial Water Supplies

WHEREAS, the Zone 7 Board of Directors desires to maintain a highly reliable Municipal and Industrial (M&I) water supply system so that existing and future M&I water demands can be met during varying hydrologic conditions; and

WHEREAS, the Board has an obligation to communicate to its M&I customers and municipalities within its service area the ability of the Zone's water supply system to meet projected water demands.

WHEREAS, the Board on May 15, 2002 adopted Resolution No. 02-2382 setting forth its Reliability Policy for Municipal & Industrial Water Supplies; and

WHEREAS, the Zone's current water supply policy includes a provision for a valley-wide groundwater production capability to meet 75% of valley-wide M&I demand in the event of an outage of the South Bay Aqueduct; and

WHEREAS, the Board desires to revise the Reliability Policy to include all Zone 7 water supply facilities and to clarify demand levels for planning purposes;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby rescinds Resolution No. 02-2382 adopting the May 15, 2002 Reliability Policy for Municipal & Industrial Water Supplies; and

BE IT FURTHER RESOLVED that the Board hereby adopts the following policy goals regarding reliability¹ to guide the management of the Zone's M&I water supplies as well as its Capital Improvement Program (CIP)²:

- GOAL 1. Meet 100% of its treated water customers water supply needs in accordance with Zone 7's most current Contracts for M&I Water Supply, including existing and projected demands for the next 20 years as specified in Zone 7's Urban Water Management Plan, (UWMP), which will be coordinated with Zone 7's M&I water Contractors. Zone 7 will endeavor to meet this goal during an average water year³, a single dry water year⁴, and multiple dry water years⁵, and

GOAL 2: Provide sufficient treated water production capacity and infrastructure to meet at least 75% of the maximum daily M&I contractual demands should any one of Zone 7's major supply, production or transmission facilities experience an extended unplanned outage.

BE IT FURTHER RESOLVED that to ensure that this Board policy is carried out effectively, the Zone 7 General Manager will provide a water supply status report to the Board every five years with the Zone 7 Urban Water Management Plan that specifies how these goals can be, or are being, achieved.

If the General Manager finds that the goals might not be met, then the Board will hold a public hearing within two months of the General Manager's finding to consider remedial actions that will bring the Zone into substantial compliance with the stated reliability goals. Remedial actions may include, but are not limited to, voluntary conservation or mandatory rationing to reduce water demands, acquisition of additional water supplies, and/or a moratorium on new water connections. After reviewing staff analyses and information gathered at the public hearing, the Board shall, as expeditiously as is feasible, take any additional actions that are necessary to meet the reliability goals during the following five-year period; and

BE IT FURTHER RESOLVED that the Zone 7 General Manager shall prepare an Annual Review of the Sustainable Water Supply Report which includes the following information:

- (1) An estimate of the current annual average water demand for M&I water as well as a five-year projection based on the same information used to prepare the UWMP and CIP;
- (2) A summary of available water supplies⁶ to Zone 7 at the beginning of the calendar year;
- (3) A comparison of current water demands with the available water supplies; and
- (4) A discussion of water conservation requirements and other long-term water supply programs needed to meet Zone 7 M&I water demands for a single dry water year and multiple dry years, as specified in the Zone's UWMP.

A summary of this review will be provided to M & I customers.

Definitions

¹Reliability—the ability of a water supply system to provide water during varying hydrologic conditions without the need for reductions in water use.

²Capital Improvement Program (CIP)—the CIP is the Zone's formal program for developing surface and ground water supplies, along with associated infrastructure, including import water conveyance facilities, surface water treatment plants, groundwater wells, and M&I water transmission system to meet projected water demands.

³ **Average water year**—the statistical average quantity of water from all of the water supplies available to Zone 7 on a contractual or legal basis (e.g., surface water runoff to Del Valle reservoir), based on the historical hydrologic records available to Zone 7.

⁴ **Single dry water year**—for the purposes of meeting the requirements of the UWMP, the Zone 7 staff will identify and justify the selection of a calendar year from the historic record that represents the lowest yield from all normally contracted or legally available supplies.

⁵ **Multiple dry water years**—for the purposes of meeting the requirements of the UWMP, the Zone 7 staff will identify and justify the selection of three or more consecutive dry years from the historic record that represent the lowest yields from all normally contracted or legally available supplies.

⁶ **Available water supplies** consist solely of (1) water supplies that the Zone 7 has contracted for (e.g., listed under Schedule A of the State Water Contract, dry-year water options, special contracts with other water districts, etc.) and (2) water actually stored in surface and subsurface reservoirs.

ADOPTED BY THE FOLLOWING VOTE:

AYES: DIRECTORS CONCANNON, GRECI, KOHNEN, MARCHAND, QUIGLEY

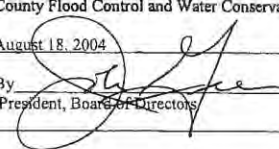
NOES: NONE

ABSENT: DIRECTORS KALTHOFF, STEVENS

ABSTAIN: NONE

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

August 18, 2004

By 
Vice President, Board of Directors

ATTACHMENT B

ZONE 7'S EXISTING WATER SUPPLY CONTRACTS AND STORAGE

Over the past few decades, Zone 7 Water Agency (Zone 7) has developed a robust water supply system consisting of water supply contracts, local water rights, and local and non-local storage; each is discussed in more detail below.

WATER SUPPLY CONTRACTS

Zone 7 currently has contracts with the Department of Water Resources (DWR) and Byron Bethany Irrigation District (BBID) to augment existing local runoff with imported surface water supplies. These contracts are discussed below.

Contracts with DWR

Zone 7 currently holds two contracts with DWR. One contract is for State Water Project (SWP) water, while the other is associated with the Yuba Accord; both are discussed below.

State Water Project

Zone 7 currently has a long-term contract⁸ with DWR for 80,619 acre-feet of Table A amount, which represents Zone 7's maximum annual allocation through this contract. Each year, DWR only allocates a portion of this amount depending on hydrologic conditions, DWR's operation of the SWP, and legal and environmental constraints.

Prior to 2007, DWR indicated that the long-term average yield from the SWP was approximately 75% of Zone 7's Table A amount, or approximately 60,500 acre-feet annually.⁹ However, in 2007, DWR downgraded the water delivery reliability of the SWP due to federally imposed pumping restrictions – the restrictions were put in place due to concerns over declines in pelagic organisms in the Delta, primarily the decline of the Delta Smelt.

In August 2008, DWR published the final State Water Project Delivery Reliability Report 2007, which officially reduced the projected long-term average yield from the SWP to 66% of Zone 7's Table A amount, or approximately 53,200 acre-feet annually. Then, in August 2010, DWR released a Final of the State Water Project Delivery Reliability Report 2009 that further reduced the long-term average yield from the SWP to 60% of Zone 7's Table A amount, or approximately 48,400 acre-feet annually. Consequently, Zone 7 has lost a total of 12,100 acre-feet $(0.75 - 0.6 * 80,619)$ of sustainable supply over the past three years.

Article 21 Water and Turn-back Water

As a contractor of the SWP, Zone 7 also has access to Article 21 (formerly called surplus water) and Article 56d water (turn-back water). Zone 7 generally incorporates any Article 21 water into its long-term average supplies; however, the projected yield from Article 21 water is very low due to pumping restrictions in the Delta, and was not included in this year's review.

⁸ Zone 7's contract with DWR expires in 2036 with an option to renew for 75 years.

⁹ DWR, 2005. The State Water Project Delivery Reliability Report 2005.

Article 56d is a provision that allows contractors with excess water to sell their water to contractors that have water needs. Typically, there is very little water available in dry years but more available in wet years. However, Zone 7 staff does not expect a significant amount of Article 56d water to be available in the future until there is a resolution to existing pumping restrictions in the Delta and therefore, Article 56d water was not included in this year's review.

Carryover

As a State Water Contractor, Zone 7 has the ability to carry water from one year to the next in San Luis Reservoir – also called Article 56(c) water. As part of its operating agreement with DWR, Zone 7 also has the ability to carry inflow from Arroyo del Valle from one year to the next. Zone 7 typically tries to carry over 10,000 to 15,000 acre-feet of water to help year-to-year operations and mitigate the potential impacts of acute drought conditions.

Yuba Accord Supply

In 2008, Zone 7 entered into an agreement to purchase additional water from DWR as part of the Yuba Accord; the contract expires in 2025. The contract specifies four different conditions (four components) for which Zone 7 can obtain water. The first component is not available to Zone 7, while the second and third components are available during drought conditions. The fourth component is available when Yuba County Water Agency has determined it has water supplies available to sell. As Zone 7 gains experience using this new contract and is able to better define potential long-term yields, then Zone 7 may incorporate more of it into our sustainable supply. For planning-level purposes, Zone 7 assumed that the long-term average yield was 250 acre-feet for this year's review.¹⁰

Byron Bethany Irrigation District (BBID)

BBID diverts water from the Sacramento-San Joaquin Delta (Delta) pursuant to a "Notice of Appropriation of Water" dated May 18, 1914.¹¹ Zone 7 entered into a long-term¹² contract with BBID for up to 5,000 acre-feet annually of water supply under this appropriation.¹³ The current contract expires in 2030.

Although Zone 7 could request up to 5,000 acre-feet per year, Zone 7 staff uses 2,000 acre-feet as a conservative estimate of the long-term average yield from this source because additional analysis is required to justify this water is available during all hydrologic conditions.¹⁴ Water purchased from BBID via this contract is delivered to Zone 7 via the South Bay Aqueduct for use in our service area.

¹⁰ The long-term average is based on varying the maximum yield of 676 acre-feet (only Components 2 and 3) during critically dry years to no water in wet years without considering Component 4 water.

¹¹ Source: Mountain House Master Plan.

¹² 15-year contract, renewable every five years.

¹³ The Zone 7 Board certified the Environmental Impact Report for this water supply in 1999.

¹⁴ Zone 7 is currently reviewing the potential to increase projected long-term average yields from its contract with BBID as part of the Water System Master Plan update.

LOCAL WATER RIGHTS: ARROYO DEL VALLE RUNOFF

Zone 7, along with Alameda County Water District (ACWD), holds a water right permit¹⁵ to divert runoff from Arroyo del Valle, and stores this local runoff in Lake Del Valle under operating agreements with the Department of Water Resources (DWR). All inflow to Lake Del Valle, after accounting for prior rights, is equally divided with ACWD.

Due to operational limitations associated with Lake Del Valle, Zone 7's current use of this local runoff is limited to a long-term average of approximately 7,300 acre-feet. The remaining supply is currently lost as flood releases. However, as discussed in more detail in subsequent sections, existing gravel quarry operations will create a series of gravel quarry pits overlying the main groundwater basin; this will provide Zone 7 with approximately 70,000 acre-feet of storage capacity located over the Main Groundwater Basin between now and 2030. This local storage will provide Zone 7 with the ability to capture these additional flood releases and increase Zone 7's long-term average yield from Arroyo del Valle runoff.

LOCAL STORAGE

Zone 7 has local storage available in the Main Groundwater Basin and in two quarry gravel pits (Lake I and Cope Lake) that overlie the Main Groundwater Basin. Both are discussed below.

Main Groundwater Basin

Zone 7's service area overlies the Livermore Valley Groundwater basin (Basin); the Main Basin is a portion of the Livermore Valley Groundwater Basin that contains the highest yielding aquifers and best quality groundwater.¹⁶ For Zone 7, the Basin is considered a storage facility and not a long-term water supply because Zone 7 does not have a groundwater pumping quota, and only pumps groundwater it artificially recharges. Consequently, Zone 7 has actively managed the Basin for over 40 years, and administers conjunctive use programs that integrate both surface and groundwater supplies.¹⁷

As part of its conjunctive use program, Zone 7 maintains groundwater levels above historic lows in the Main Basin through artificial recharge of SWP water to the arroyos for subsequent percolation and replenishment of existing aquifers.¹⁸ Additionally, Zone staff established historic lows based on historical-low groundwater elevations in various wells in the Main Basin.¹⁹ In general, the difference between water surface elevations when the Main Basin is full and water surface elevations when the Main Basin is at historic lows defines Zone 7's operational storage – operational storage is about 126,000 acre-feet based on Zone 7's experience operating the Main Basin.

Based on a review of current well capacities and discussions with Zone 7's Groundwater Protection and Projects section, Zone 7 has the ability to pump approximately 26,200 acre-feet over a one-year period. Additionally, for this review, Zone 7 staff included limits on annual groundwater pumping to ensure that water surface elevations remain above historic lows during

¹⁵ Permit 11319 (Application 17002).

¹⁶ Zone 7, 2010. Annual Report for the Groundwater Management Program – 2009 Water Year. May.

¹⁷ Zone 7, 2010. Annual Report for the Groundwater Management Program – 2009 Water Year. May.

¹⁸ Zone 7, 2010. Annual Report for the Groundwater Management Program – 2009 Water Year. May.

¹⁹ Zone 7, 2010. Annual Report for the Groundwater Management Program – 2009 Water Year. May.

a multiple dry year event.²⁰ The pumping limit used in the analysis (14,000 acre-feet) was based on preliminary modeling conducted by Zone 7 staff and assuming no artificial recharge activities.²¹

Chain of Lakes – Lake I and Cope Lake

The Chain of Lakes (COL) is an area located between the cities of Pleasanton and Livermore, and refers to a series of ten mined out or active gravel quarry pits that have been or will be converted into surface water storage facilities and/or groundwater recharge basins once mining has been completed. The ten quarry pits or lakes are named Cope Lake, and Lakes A through I.

Although the Chain of Lakes will ultimately cover approximately 2,000 acres and store approximately 70,000 acre-feet of water, Zone 7 currently only owns Cope Lake and Lake I. Zone 7 expects to take ownership of Lake H sometime within the next five years, while the remaining lakes will be transferred to Zone 7 over the next 20 years. No additional storage or recharge capacity from the Chain of Lakes was assumed available to Zone 7 for this year's review.

NON-LOCAL STORAGE

In addition to local storage, Zone 7 also participates in two groundwater-banking programs with Semitropic Water Storage District (Semitropic) and Cawelo Water District (Cawelo). Each is discussed below.

Semitropic Water Storage District

Zone 7 has 78,000 acre-feet of groundwater banking storage available through Semitropic to augment water supplies during drought conditions. During non-drought periods, Zone 7 can put up to 5,883 acre-feet annually into the Semitropic groundwater bank. During droughts, Zone 7 has the ability to request 9,100 acre-feet of pump back and anywhere from 0 to 8,645 acre-feet of exchange water;²² the availability of exchange water depends on projected SWP deliveries. For conservative planning-level purposes in this year's review, Zone 7 staff assumed that only pump back capacity would be available between 2012 and 2015.

Cawelo Groundwater Banking Program

Zone 7 has 120,000 acre-feet of groundwater banking storage available with Cawelo to augment water supplies during drought conditions. During non-drought periods, Zone 7 can put 5,000 acre-feet annually into the bank.²³ During droughts, Zone 7 has the ability to request 10,000 acre-feet of pump back. For conservative planning-level purposes in this year's review, Zone 7 staff assumed that no pump back would be available from Cawelo in 2011 and that available storage (10,000 acre-feet) could be used in equal amounts over a 4-year period between 2012 and 2015.

²⁰ An example multiple dry year event is the 6-year drought that occurred between 1987 and 1992.

²¹ Zone 7 conducted a preliminary analysis using the calibrated groundwater model to determine the average annual pumping limit that maximizes the recovery of groundwater basin storage during a 6-year drought, assuming average conditions that existed between 1987 and 1992, and only with existing facilities.

²² The availability of exchange water depends on the allocation from the State Water Project.

²³ Zone 7 only gets storage credit for 50% of the water provided to Cawelo. Per the existing contract, Zone 7 can only send 10,000 acre-feet in any given year to Cawelo; therefore, the maximum contractual credit is 5,000 acre-feet.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: ENGINEERING CONTACT: KURT ARENDS

AGENDA DATE: May 18, 2011

ITEM NO. 12g

SUBJECT: Update Related to the Bay-Delta Conservation Plan

BACKGROUND:

As reported in staff's last update, the Steering Committee released a Working Draft of the Bay Delta Conservation Plan (BDCP) on November 18, 2010. Not only did this document provide a snapshot of the work completed to date, but it also marked the end of the Schwarzenegger administration in Sacramento. Since November, work has continued on the BDCP but several other significant events have occurred which affect the Delta and Zone 7's water supply.

DISCUSSION:

Bay Delta Conservation Plan:

Governor Jerry Brown's administration has assumed the lead role on the BDCP effort and in January, Brown appointed Dr. Gerald (Jerry) Meral as the new deputy secretary of the California Natural Resources Agency in charge of the Bay Delta Conservation Planning program. Meral supported a peripheral canal during Brown's previous term as governor and served as the deputy director of the state Department of Water Resources from 1975 to 1983.

In addition to having a history with California water, Meral has spent much of his career working for environmental groups and has credibility with the environmental community, promising that he would be able to bring the multiple interests together to find a long term solution that meets the co-equal goals for the Delta. On April 25, Natural Resources Secretary, John Laird, and Deputy Secretary of the U.S. Department of the Interior, David J. Hayes, met with stakeholders and the public to confirm their commitment to completing a habitat conservation plan for the Sacramento-San Joaquin Delta and to discuss the challenges and process for meeting the BDCP's dual goals of ecosystem restoration and water supply reliability. Jerry Meral provided an update on the BDCP progress since the November 18, 2010 Working Draft of the BDCP had been released, the process for resolution of key features of the draft plan, and important environmental analysis needed before a final BDCP may be approved. The state and federal agencies spoke of a transparent and inclusive process that would bring in groups not previously part of the Steering Committee such as the Delta Counties and salmon fisherman.

Delta Smelt Ruling:

In December 2010, Judge Wanger ruled that the 2008 Biological Opinion (BiOp) for delta smelt was invalid and issued a final written judgment in March 2011. The 2008 BiOp had determined that the coordinated operation of the state and federal water projects could jeopardize delta smelt. The 2008 BiOp is actually a second version prepared by the US Fish and Wildlife Service (USFWS) resulting from a 2007 ruling from Wanger that found the first version to be flawed.

Wanger's December 2010 ruling found the 2008 BiOp to be inadequate in certain respects. In general, the Bureau of Reclamation violated the National Environmental Policy Act (NEPA) by not considering the BiOp's impact on the human environment. The judge also stated that the Reasonable and Prudent Alternative (RPA) described in the BiOp to protect delta smelt should be revised to reflect the best available science. The Judge gave USFWS until October 11, 2011 to complete a new BiOp and RPA and then the Bureau of Reclamation has until December 15, 2011 to complete the NEPA review for the RPA.

During the interim period until the BiOp is revised late this year, a settlement agreement is in place that maintains pumping restrictions as necessary but allows the USFWS to experiment with higher reverse flows in Old and Middle River that should help to temporarily ease some of the pumping restrictions in the south delta. Of the Big Six items discussed in the December Staff Report presented to this board, there are two major remaining points of contention, that of the Inflow/Outflow Ratio and that related to the appropriateness of a Fall X2 standard.

Delta Stewardship Council:

Parallel with the BDCP effort, the Delta Stewardship Council is in the process of developing a Delta Plan. The Delta Stewardship Council was created by legislation to achieve the state mandated coequal goals for the Delta and to assure implementation of the BDCP. "'Coequal goals' means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place." (CA Water Code §85054)

The primary purpose of the Council is to develop, by January 1, 2012, a legally enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta and the Suisun Marsh—the Delta Plan—that achieves the coequal goals and does this in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place.

The third version was released in late April. For this version, as well as earlier versions, the majority of comments have been focused on the broadness of the plan and the belief that the council is exceeding their authority duplicating efforts and responsibilities of other entities. Most stakeholders in the Delta have been critical of the Council's draft Plans to date and continue to provide comments and work with the Council to develop a plan that fulfills their responsibility without undermining the significant effort and progress that has been made through separate efforts such as the BDCP.