



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

NOTICE OF REGULAR MEETING OF BOARD OF DIRECTORS

DATE: Wednesday, April 17, 2013

TIME: 7:00 p.m.

LOCATION: Zone 7 Administration Building

100 North Canyons Parkway, Livermore, California

Any member of the public desiring to address the Board on an item under discussion may do so upon receiving recognition from the President. After receiving recognition, please step to the podium and state your name and address.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the Zone 7 Administrative Building lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the Zone 7 Board Secretary, Judy Rector, at (925) 454-5053 or fax (925) 454-5724. Notification 48 hours prior to the meeting will enable Zone 7 to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

A G E N D A

1. Call Meeting to Order
2. Pledge of Allegiance
3. Citizens Forum

This is an opportunity for members of the public to speak on an item not listed on the agenda. The Board cannot deliberate or take action on a non-agenda item unless it is an emergency as defined under Government Code Section 54954.2.

4. Minutes of the Regular Meeting of March 20, 2013
5. Consent Calendar
 - a. Declaration of May as Water Awareness Month
 - b. Approve Transfer of Real Property Rights for State Route 84 Widening Project in Livermore
 - c. Exchange of Easements with PG&E on Lake I in Connection with Iron Wood Village Development, Pleasanton
6. Staffing Update:
 - a. Employee of the Month Recognition
7. Chain of Lakes Interim Operations Plan

Recommended Action: Discussion only.

8. Interim Reserve Policy

Recommended Action: Adopt resolution.

9. Award of Contract for the Arroyo Mocho Stanley Reach - Riparian Restoration and Channel Enhancement Pilot Project

Recommended Action: Adopt resolution.

10. Committees - Water Resources Committee - March 26, 2013 - minutes
Finance Committee - April 8, 2013 - minutes pending

11. Reports – Directors

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

12. Items for Future Agenda – Directors

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

- a. General Manager's Report
- b. Communications Outreach Activities
- c. Legislative Update
- d. Report on Water Sales and Connection Fee Revenue
- e. Quarterly Update on Expansion Fund
- f. Verbal Reports

14. CLOSED SESSION

- (a) Conference with Labor Negotiators:
Agency Negotiator: G.F. Duerig
Employee Organizations: Alameda County Management Employees Association; Alameda County Building and Construction Trades Council, Local 342, AFL-CIO; International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; Local 1021 of the Service Employees International Union, CTW; Unrepresented Management.
- (b) Conference with Legal Counsel -- Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d)(2): 1 case.
- (c) Conference with Legal Counsel -- Potential litigation pursuant to Gov't Code section 54956.9(d)(3): 2 cases.
- (d) Conference with Real Property Negotiator:
Property: APNs 99-525-2, 99-550-2-3, 99-550-3-2, 99A-2700-2-5, 99A-2700-6-6, 99A-2700-9-8, 99A-2700-10, 99A-2700-11-3, 99A-2700-12-6, 99A-2700-12-7, 99A-2420-4-13, 96-420-2, 96-420-3, 96-429-6, 99A-2701-1, 99A-2701-2, 99A-2701-3.
Agency negotiator: G.F. Duerig
Negotiating parties: Patliv; PTLM, Inc.; Henry H. Patterson Trust, and Charles Edwards Engs
Under negotiation: Price and terms of payment.
- (e) Conference with Legal Counsel -- Existing Litigation (Gov't Code section 54956.9(d)(1): 2 cases
County of Butte v. Department of Water Resources (Court of Appeal, Third District Case No. C071785).
Sacramento Regional County Sanitation District v. Regional Water Quality Control Board, Central Valley Region (Sacramento County Superior Court No. 34-2011-80001028-CU-WM-GDS).

15. Open Session and Report Out of Closed Session
16. Adjournment
17. Upcoming Board Schedule: (All meeting locations are in the Boardroom at 100 North Canyons Parkway, Livermore, California, unless otherwise noted)
 - a) Finance Committee Meeting: April 22, 2013, 3:30 p.m.
 - b) Special Board Meeting: May 1, 2013 (if needed)
 - c) Regular Board Meeting: May 15, 2013, 7:00 p.m.
 - d) Liaison Committee Meeting: May 22, 2013, 4 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
March 20, 2013

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

DIRECTORS: SANDS FIGUERS (arrived late)
JOHN GRECI
A J MACHAEVICH
SARAH PALMER
RICHARD QUIGLEY
ANGELA RAMIREZ HOLMES
BILL STEVENS

DIRECTORS ABSENT: NONE

ZONE 7 STAFF: JILL DUERIG, GENERAL MANAGER
KURT ARENDS, ASSISTANT GENERAL MANAGER, ENGINEERING
TOM HUGHES, ASSISTANT GENERAL MANAGER, ADMINISTRATION
CAROL MAHONEY, SENIOR GEOLOGIST, INTEGRATED PLANNING
ELKE RANK, ASSOCIATE WATER RESOURCES PLANNER, INTEGRATED
PLANNING
JUDY RECTOR, BOARD SECRETARY

COUNSEL: DAVID ALADJEM, DOWNEY BRAND

Item 3 - Citizens Forum

Christy Stanker introduced herself to the Board as the field representative for the Tri-Valley from Assemblywoman Joan Buchanan's office.

Gary Purnell, Pleasanton, expressed concern on why Zone 7 would disassociate from Alameda County and assume all of the flood control when Alameda County can help us. Also, why would we want to take on the responsibility of supplying water to Contra Costa when Zone 7 has problems supplying water now? President Palmer asked him to leave his name and e-mail address so he could be notified of future meetings concerning Zone 7's independence.

President Palmer welcomed students from her AP Environmental Science class who chose to attend the Zone 7 Board meeting to fulfill a class assignment to attend a meeting with environmental and political impact.

Item 4 - Minutes of the Regular Meeting of February 20, 2013

President Palmer had two corrections to the February 20th minutes: Item 8 – page 3 - the word “overlooking” should be “overseeing”; Item 11, Verbal Staff Report by Ms. Duerig - page 5 - BAFPPA should be BAFPPA.

Director Ramirez Holmes asked that her statement in Item 8 - Committees - page 3 - be changed from “expressed concern regarding the Water Resources Committee” to “concern with the task force.”

Director Quigley moved that the corrected minutes be approved and Director Greci seconded the motion. The corrected minutes were approved by a voice vote of 6-0-1 with Director Figuers absent.

Director Figuers arrived at 7:08 p.m.

Item 5 - Consent Calendar

President Palmer pulled Item 5 (a) for discussion. Director Quigley offered support for continuing membership in the Western Recycled Water Coalition since regional water reliability requires a diversified water portfolio which includes recycled water. The City of Livermore and Dublin San Ramon Services distribute recycled water but Zone 7 does not.

Public Comment:

Margaret Tracy, former Zone 7 Board member and Livermore resident, expressed concern regarding treating wastewater and using it for landscape irrigation. She noted that in coastal areas toxics can be flushed out by ocean or river action. Zone 7 has a nearly closed groundwater basin. Citizens voted on recharging with recycled water of wastewater origin and it was voted down. She feels it deserves public discussion, a public hearing, and an opportunity for citizens to express their views. She urged that this item be removed from the consent calendar and placed as an agenda item on the discussion calendar as a public hearing.

President Palmer said that since Zone 7 is not actively distributing recycled water, the action for the item is for Zone 7 to be an Associate Participant in the Coalition, not a full participant, but it allows staff to keep in touch with what is happening with recycled water in California. President Palmer referred to the Groundwater Management Advisory Committee (GMAC) established in 1998 and the Salt Management Plan developed in 2004 so Zone 7 has been addressing toxics and contaminants of emerging concern.

All of the Board members contributed to the discussion of this item. Director Stevens stated that the GMAC vote was to reject recycled water injection and the proper venue to bring this up is with the City of Dublin or City of Pleasanton that use recycled water for irrigation. Director Ramirez Holmes asked if it is just coming back to the Board now because of a change in the name. Ms. Duerig responded in the affirmative and added that the coalition is doing a lot to help with regional funding and some of Zone 7's retailers are requesting funding for projects so membership in this coalition supports our retailers and the overall regional water supply portfolio. President Palmer feels that membership is an inexpensive way to stay on top of the issues because if “you don't sit at the table, you don't have anything to say.”

Margaret Tracy is also concerned about the cumulative impact on the groundwater basin in our valley and pollution getting into the drinking water. She feels the resolution implies support. President Palmer reiterated that the resolution is about membership in the Coalition.

Director Figuers and Ms. Tracy discussed treating waste water and removing drug residue before the water is used for landscape irrigation. These are the concerns that she has and she wants to make sure Zone 7 is aware of the issues.

Ms. Duerig reassured Ms. Tracy that a required part of the master recycling water permit involves updating the Salt Management Plan, additional groundwater modeling and adding an evaluation of both

nutrients and chemicals of emerging concern. The Plan is being updated to make sure water recycling is done in a manner that is protective of the health of the people in the valley.

General Counsel David Aladjem added that the State Water Resources Control Board adopted a state water recycling policy. A blue-ribbon task force set standards for monitoring and accountability on a state-wide basis so all recycled water projects in the valley have to be in compliance and use scientifically-approved measurements.

Peggy Purcell, a past member of the GMAC, distributed an article to the Board, "Groundwater Problems Caused by Irrigation with Sewage Effluent" (H. Bouwer, October 1, 2000). She also requested that Item 5(a) be removed from the consent calendar and that there be a staff report on irrigating with sewage water plus a public hearing to make the public aware of the exposure - not direct injection - but through irrigation. She is looking to Zone 7 for stewardship of the groundwater basin and keeping it safe for the future. She expressed her concerns with federal funding for recycled water injection.

Because his election platform was based on the premise of the best water quality possible, Director Machaevich addressed the issues and feels that the public does not want water rate increases but that higher rates could ultimately cover the cost of membrane filters or ozone treatment to address drug toxins. He recommended moving forward with an Associate Participant membership while focusing on making sure a high water quality is maintained for the public.

Director Ramirez Holmes thinks groundwater quality is a top concern in the Strategic Plan and to be a member of this Coalition is an opportunity for public information and possibly a topic for the Liaison Committee since our retailers are moving in this direction. She is supportive of more public discussion on the issue but acknowledged that this item is about membership in the Coalition.

Director Greci expressed appreciation to Margaret Tracy as a steward of the groundwater basin and acknowledged Peggy Purcell, too, but reassured them that the Board would not do anything irrational and to not be afraid of the Coalition. It is just an opportunity to associate with people concerned about the quality of water and the Board will not do anything to jeopardize the basin, but membership in the Coalition allows for a stronger voice for funding and communication.

Since there were no further public comments or discussion, Director Quigley moved and Director Machaevich seconded the motion. Resolution No. 13-4258 continuing membership in the Western Recycled Water Coalition and authorizing the General Manager to execute the Memorandum of Agreement was approved by a roll call vote of 7-0.

Item 6 - Staffing Updates

Item 6a - Employee of the Month Recognition

Jesus Bautista, Construction Maintenance Laborer in the Maintenance Section, is the Employee of the Month for January. Jesus is known to be a hard working employee with a positive outlook. Since Jesus was present, the Board was able to applaud him in person. President Palmer noted how pleased she is to have him at the Board meeting.

Item 7 – Arroyo Mocho Stanley Reach Riparian Restoration and Channel Enhancement Project

a. CEQA Compliance and Project Approval

Ms. Duerig noted that a letter was received by Zone 7 from Alameda Creek Alliance supporting the Arroyo Mocho Stanley Reach Riparian Restoration and Channel Enhancement Pilot Project. Copies were available for the Board and public.

Elke Rank, Associate Water Resources Planner, presented a slide presentation with project location and details along with artist renderings of the outcome of the project. The purpose of the project is to demonstrate the feasibility of transforming a traditional earthen trapezoidal flood protection channel in an urban setting into a vegetated stream reach exhibiting natural fluvial and ecological function, while also maintaining its core functionality for flood protection, local sediment management, and groundwater recharge.

All procedures were followed for preparing a proposed negative declaration or mitigated negative declaration for a project subject to the California Environmental Quality Act (CEQA) including an Initial Study/draft Mitigated Negative Declaration (IS/MND) which was prepared and distributed for public comment. Staff determined that the project would not have a significant adverse impact on the environment after implementation of mitigation measures.

Director Figuers questioned where the riparian growth is in the thirty-year-old channel but Ms. Mahoney replied that spraying has impacted growth. Director Figuers voiced concerns about the project and recommended that tree limbs and woody debris dams should not be removed after construction because they are a critical part of riparian growth and they trap sediment and provide places for fish to hide.

Director Quigley expressed concern about reducing velocities and watering riparian species with recycled water for the first year or two so they don't die. He also discussed opening the closed bridge across the channel and the top of bank Zone 7 owns to be complimentary to the Iron Horse Trail alignment with the City of Livermore's trail system. Ms. Mahoney responded that a letter of support had been sent to the City of Livermore to obtain grant funding for such improvements.

Director Machaevich said the Directors consider several different aspects of the project including how it will help cost-wise in the future putting in natural structures instead of using man-made structures. He has additional questions for staff but encouraged the public to ask the Board members if they have questions and they will get back to them.

Public Comment:

Randy Werner had a question about the low flow channel going through housing but Ms. Rank assured him there would be no change to that channel.

Ms. Mahoney said the project would be brought to the Board for approval of the actual contract for construction next month so more technical details will be available at that time.

Ms. Duerig stated that there is no intention of bringing recycled water in there to establish plants. Ms. Rank said that at the pre-bid walk, there was a comment that they assumed recycled water will be required but she said "no".

President Palmer said the whole corridor is part of the City of Livermore and would be a benefit to the full community. It is a trial to see if natural systems are better and more cost effective than hardscape structures.

Director Quigley mentioned that one of the Granada High School clubs supports Granada native gardens and other volunteers could help in this Reach.

Director Stevens moved and Director Machaevich seconded the motion finding that the IS/MND contains a complete, objective and accurate reporting of the environmental impacts associated with the project and reflects the independent judgment and analysis of Zone 7. Resolution 13-4259 was passed by a roll call vote of 6-1 with Director Figuers voting no.

b. Agreement with ACSPA for Mitigation on Arroyo Mocho - Stanley Reach

Ms. Duerig noted that Item 7(b) has a revised summary sheet. By approving this agreement with ACSPA, no funding is currently needed. Staff will return to the Board with dollar amounts for actual construction expenses after the bid.

Ms. Rank discussed the background of Project R.3-5 (Stanley Reach) for stream channel enhancement, increased riparian vegetation, and fish passage improvements. Zone 7 will perform all the construction, monitoring and maintenance and the mitigating partner would pay their respective share in order to meet their mitigating needs. ACSPA is currently the only identified mitigating partner for this project.

Ms. Rank provided additional slides and a handout with details. Staff's recommendation was to adopt the proposed resolution.

Director Figuers expressed his views regarding the project and urged the Board vote against it.

Director Stevens asked about the requirements to have mitigation for public good and using tax dollars.

General Counsel David Aladjem responded that there are two different situations. When you are doing green-field development where there is habitat which you are turning into houses, mitigation is for the public good and the laws of CEQA require that you analyze the effects on the environment and mitigate them. Other repair projects require analyzing whether it will affect the environment, i.e., repairing a sidewalk, because it is an existing facility and it will be improved. If it does not have an impact on the environment, there is a streamlined procedure to go forward with projects without these obstacles. Zone 7 is doing riparian restoration but the effects of the actual construction must be addressed.

Director Stevens responded that the channel is not impacted by the bridge and green-field is not being taken up so why are tax dollars going into mitigation, and why \$268,000 for mitigation which causes taxes to go up. It doesn't make sense to him. Ms. Duerig clarified that the County's mitigation of the Stoneridge Bridge includes additional concrete on side walls to support the bridge structure which results in a loss of habitat that must be mitigated.

Director Ramirez Holmes asked if Zone 7 normally goes out to bid on construction before being approved by the Board. Ms. Duerig said the Board approves the project concept under CEQA and various findings and impacts which allow staff to finalize the specifications for bid and required permits and then staff comes back with a contract to be approved. That is why the Board has a revised cover sheet regarding funding. President Palmer confirmed that this resolution is about entering into an agreement with ASPCA.

Director Greci moved and Director Machaevich seconded the motion authorizing the General Manager to negotiate and execute the agreement between Alameda County Surplus Property Authority (ACSPA) and Zone 7 for mitigation on Arroyo Mocho - Stanley Reach. Resolution 13-4260 was passed by a roll call vote of 6-1 with Director Figuers voting no.

Item 8 - Committees - None.

Item 9 - Reports - Directors

a. Verbal comments by President

President Palmer handed out notes regarding her trip to Washington, DC, for the ACWA Meeting February 26-28, 2013. She chose four presentations to summarize: Nancy Sutley, Chair of White House Council on Environmental Quality; James Hanon, U.S. Army Corps of Engineers; Jason Albritton, Senate Environment and Public Works Committee staff member; and Roger Cockrell, staff, Subcommittee on Energy and Water Development, Committee on Appropriations, United States Senate.

Regarding storm and wastewater infrastructure, Nancy Sutley noted that restructuring creeks and wetlands is often more cost effective than traditional concrete infrastructure.

President Palmer also attended the meeting with Supervisors Haggerty and Miley at the Alameda Board of Supervisors Transportation and Planning Committee.

b. Written report by Director Stevens

Director Stevens asked that for the record he wants to summarize the points in his written summary. Supervisors Haggerty and Miley say separation should not unduly impact water rates; bargaining employees will not be affected; flood control and emergency response will not be impacted; be comprehensive, not piecemeal; minimal fiscal impact on County; flood control not be impacted adversely; separation should occur on a single date; Dougherty Valley not affected; and go through the LAFCO process as a means to educate the public. Director Ramirez Holmes clarified that the Supervisors requested that Zone 7 go through the LAFCO process.

c. Written report by Director Quigley

Outreach packets on restoring the Delta were delivered in Washington to our legislators. They appeared interested and hopefully will bring funds home for projects.

d. Other Directors' Verbal Reports

Director Ramirez Holmes reported that she will follow-up with a written summary of these meetings: On March 5th she attended an ACWA Legislative Symposium in Sacramento where the topics were water bonds, revisiting ADA, property taxes and CEQA modernizations. She also attended the March 5th Board of Supervisors committee meeting and the East Pleasanton Specific Plan Meeting where Zone 7 Assistant Geologist Colleen Winey gave a report. On March 13th she attended a CSDA webinar on Legislative Round-Up of the 2013 legislature including critical issues for the legislature such as property taxes and voter threshold, special district reserves, pension, transparency, CEQA and green revenues. It was very informative to attend the ACWA Legislative Symposium and the CSDA Legislative Round-Up webinar because bill numbers were assigned a few weeks later.

Item 10 - Items for Future Agenda - Directors - none.

Item 11 - Staff Reports (Information items.)

- a. General Manager's Report
- b. Communications Outreach Activities
- c. Legislative Update
- d. Report on Water Sales and Connection Fee Revenue
- e. Verbal Reports - none

President Palmer questioned how large the sink holes were at Lake I as mentioned in the General Manager's Report (Item 11 a). Ms. Duerig said she would get back to her with the information.

Director Ramirez Holmes noted the inclusion of the new program on installation of toilets for the water conservation part of the Zone 7 website and feels that this should be celebrated. She feels the Board members should get those toilets and be ambassadors. She also requested that upcoming events be added to the Communications Outreach Report. Staff explained these are posted on the website.

President Palmer thanked Director Figuers for requesting that staff include the addition he requested at the end of Item 11 (d).

The Board went into Closed Session at 8:28 p.m.

Item 12 - Closed Session

- (a) Conference with Labor Negotiators:
Agency Negotiator: G.F. Duerig
Employee Organizations: Alameda County Management Employees Association; Alameda County Building and Construction Trades Council, Local 342, AFL-CIO; International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; Local 1021 of the Service Employees International Union, CTW; Unrepresented Management.
- (b) Conference with Legal Counsel -- Significant exposure to litigation pursuant to Gov't Code Section 54956.9(d) (2): 1 case.
- (c) Conference with Legal Counsel -- Potential litigation pursuant to Gov't Code section 54956.9(d) (3): 2 cases.
- (d) Conference with Real Property Negotiator:
Property: APNs 99-525-2, 99-550-2-3, 99-550-3-2, 99A-2700-2-5, 99A-2700-6-6, 99A-2700-9- 8, 99A-2700-10, 99A-2700-11-3, 99A-2700-12-6, 99A-2700-12-7, 99A-2420-4-13, 96-420-2, 96-420-3, 96-429-6, 99A-2701-1, 99A-2701-2, 99A-2701-3.
Agency negotiator: G.F. Duerig
Negotiating parties: Patliv; PTLM, Inc.; Henry H. Patterson Trust, and Charles Edwards Engs
Under negotiation: Price and terms of payment.

Item 13 - Open Session and Report Out of Closed Session

The Board came out of Closed Session at 10:08 p.m. There was no report out of closed session.

Item 14 - Adjournment

The meeting was adjourned at 10:10 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: Integrated Planning

CONTACT: Robyn Navarra/Carol Mahoney

AGENDA DATE: April 17, 2013

ITEM NO. 5a

SUBJECT: Declaration of May as Water Awareness Month

SUMMARY:

- The California Water Awareness Campaign is a year-long effort by organizations throughout California to heighten public awareness about the conservation, supply, quality and distribution of water.
- The Campaign kick-off occurs in May every year with a proclamation from the Governor and the observance of Water Awareness Month. Zone 7 recognizes the significance of Water Awareness Month with a board resolution, a financial contribution to the Campaign and various activities that recognize the vital role water plays in our lives.
- At the May board meeting, various presentations related to Water Awareness will be planned.
- Zone 7 continued the sponsorship payment of \$2,056 to the 2013 California Water Awareness Campaign.
- Staff recommends that the Board adopt the attached resolution, declaring the month of May as Water Awareness Month.

FUNDING:

Not applicable.

RECOMMENDED ACTION:

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

ATTACHMENTS:

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

Interoffice Memo

Date: April 17, 2013
To: Jill Duerig, General Manager
From: Robyn Navarra, Water Conservation Coordinator
Subject: Declaring May as Water Awareness Month

BACKGROUND:

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

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

DISCUSSION:

Zone 7 continued to support CWAC with a sponsorship payment of \$2,056 to support the 2013 California Water Awareness Campaign effort. The campaign's main goal was to increase community perception that it is important not to waste water—even when we're not in a drought—and to encourage them to adopt water-efficient behaviors and implement water-saving technologies to help ensure adequate future water supplies.

In addition to this contribution which helps fund such things as the "*Nice Save*" campaign, educational books and videos, and conservation outreach, staff recommends that Zone 7 continue to work with the water retailers on general programs to promote water awareness.

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

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

For this year, staff is finalizing plans for various Water Awareness Month Activities, including fun, grade-appropriate contests in the classrooms we visit dealing with water conservation and water-conservation and stormwater-pollution awareness booths at farmers markets in each of our three cities (including one as part of Dublin Pride Week).

There are conservation workshops for professional landscapers and landscaping contract managers; and providing water conservation handouts during two East Bay garden tours:

April 28th Bay-Friendly Garden Tour

May 5th Bringing Back the Natives Garden Tour

Workshops and Talks at Western Garden Nursery, Pleasanton

(<http://www.bayfriendlycoalition.org/NurseryEvents.shtml>):

May 4th Bay-Friendly Tabling: Meet Bay-Friendly Qualified Professionals and/or local Master Composters who can answer all of your questions about plant selection, pest management, converting your lawn using sheet mulching, and much more.

May 18th “Lose Your Lawn” talks: an interactive educational workshop converting lawns to water-conserving environmentally friendly landscapes

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

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

RECOMMENDATION:

Adopt attached resolution declaring May as Water Awareness Month.

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

“Declaring May as Water Awareness Month”

WHEREAS, May 2013 has been declared as Water Awareness Month by the California Water Awareness Campaign, composed of urban and agricultural water agencies, cities, farm bureaus, and other organizations; and

WHEREAS, Water Awareness Month has been established to heighten public awareness for water and its many uses, and for the role Zone 7 Water Agency plays in conservation, water management, water supply, distribution and water quality; and

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

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District on April 17, 2013.

By _____
President, Board of Directors



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: ENGINEERING
CONTACT: DENNIS GAMBS/JARNAIL CHAHAL

AGENDA DATE: April 17, 2013

ITEM NO. 5b

SUBJECT: Approve Transfers of Real Property Rights for State Route 84 Widening Project in Livermore

SUMMARY:

- The California Department of Transportation (Caltrans), through a project sponsored and managed by the Alameda County Transportation Commission (ACTC), is widening and upgrading State Route 84 (Isabel Ave) to expressway standards in Livermore (Project).
- All individual access to State Route 84, including the access Zone 7 now uses to maintain a segment of the Arroyo Mocho, will be permanently closed to meet expressway standards.
- ACTC has prepared a Right of Way contract to provide for the granting of two Fee Parcels, an Easement, and one Temporary Construction Easement from Zone 7 to Caltrans.
- The contract also requires ACATC to provide Zone 7 with an alternate access road via Voyager Road to the northern channel maintenance road as well as the construction of a bridge across the channel for access to the southerly maintenance road.
- The contract requires that this access be provided to Zone 7 as part of the project and prior to closing the existing access from SR 84.
- Under the contract, Zone 7 would grant an access easement over the new bridge to the City of Livermore and to PG&E which will allow the City of Livermore and PG&E to access their facilities south of the channel. Ownership of the bridge will transfer to Zone 7 upon completion of the bridge and its acceptance by Zone 7.

FUNDING:

Caltrans is compensating Zone 7 \$3,500 for the granting of real property.

RECOMMENDED ACTION:

Adopt attached resolution to authorize the General Manager to negotiate and execute the Right of Way Contract for granting real property rights to Caltrans, City of Livermore and PG&E; request and authorize the Board of Supervisors of Alameda County Flood Control and Water Conservation District to grant said real property rights; and authorize the General Manager to negotiate and execute an easement for access through Pleasanton Gravel Company property.

ATTACHMENTS:

Background Memo
Resolution
Location Map
Right of Way Map
Right of Way Contract w/grant exhibits

INTEROFFICE MEMO

Date: April 17, 2013
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Approve Transfers of Real Property Rights for State Route 84 Widening Project in Livermore

BACKGROUND

The Alameda County Transportation Commission (ACTC) has been working in cooperation with the California Department of Transportation (Caltrans) on a project that will widen and upgrade SR 84 (Isabel Avenue) to expressway standards from south of Ruby Hill Drive to Jack London Boulevard (Project). The Project will improve State Route 84 (SR 84) to a regional route consistent with other projects on the route: improve local traffic circulation, upgrade SR 84 to an expressway facility with access control, and improve bicycle and pedestrian access. SR 84 will be widened from two lanes to four lanes between Ruby Hill Drive and Stanley Boulevard and from two lanes to six lanes between Stanley Boulevard and Jack London Boulevard. All individual access to SR 84, including the access Zone 7 now uses to maintain a segment of the Arroyo Mocho, will be permanently closed to meet expressway standards.

In order to maintain the project schedule, the Zone 7 Board approved an Agreement for Possession and Use (APU) with ACTC and Caltrans at its April 20, 2011 meeting which authorized the use of the subject property rights for construction of the Project, pending the negotiation and execution of a Right of Way contract and the respective property grants. The APU also required providing alternate access via Voyager Road to the northern maintenance road of the Arroyo Mocho. This access route required an easement from Livermore Airway Associates, which was granted to and accepted by Zone 7 in July of 2011. The APU will terminate when the Right of Way Contract is executed and the required property grants are recorded.

DISCUSSION

Caltrans is seeking permanent property rights from Zone 7 for: two parcels in Fee, a Soil Nail Easement, and one Temporary Construction Easement (TCE) as well as an Access Easement for City of Livermore and for PG&E. In addition, Caltrans is responsible for providing an access easement to Zone 7. Following is a summary of real property right transfers:

Zone 7	Caltrans				
Parcel No.	Parcel No.	Area (ft²)	Property Interest	Grantee	Grantor
70178	61518-1	856	Fee	Caltrans	Zone 7
70179	61518-2	3,014	Access Easement	Livermore	Zone 7
70179	61518-2	3,014	Access Easement	PG&E	Zone 7
70180	61523-1	323	Fee	Caltrans	Zone 7
70181	61523-2	586	Soil Nail Easement	Caltrans	Zone 7
70182	61519-1	603	Access Easement	Zone 7	Pleasanton Gravel

ACTC has prepared a Right of Way Contract to provide for granting the parcels. Draft grant documents have also been prepared describing the rights of way that will be granted, with the exception of the easement needed for alternative access across the Pleasanton Gravel Company

property which is still under negotiations with the ACTC. In any case, alternate access to the Arroyo Mocho is required prior to closing the existing access from SR 84 as part of the Project.

To provide access south of the Arroyo Mocho, Caltrans is constructing a new bridge connecting to the southerly maintenance road. This bridge will also provide the City of Livermore and PG&E access to their facilities south of the Arroyo Mocho. Ownership of the bridge will transfer to Zone 7 upon completion of the bridge and its acceptance by Zone 7. At that time, Zone 7 would offer easements for ingress and egress purposes, over and across the bridge to the City of Livermore and PG&E. These access easements will be offered directly by Zone 7 to the City of Livermore and PG&E and authorization is included in this agenda item. Zone 7 will be responsible for maintenance and repair of the bridge, while the other parties would be liable for any damage they cause.

Zone 7 staff reviewed the proposed alternative access and determined that Zone 7 will not be adversely impacted by the project and that the fee property is no longer necessary to be retained and the granting of the easements will not conflict with the use of the property for the purpose for which it was acquired. Caltrans has offered \$3,500 based on a fair-market appraisal as just compensation for the acquisition of the interests in the flood control channel property.

The legal title to the property vests with the Alameda County Flood Control and Water Conservation District. As the legal owner of the property over which the property rights are to be granted, the Board of Supervisors acting as the District Board of the Alameda County Flood Control and Water Conservation District is required to approve the conveyance to Caltrans. To that end, the Zone 7 Board of Directors would request and authorize the District Board to approve the proposed conveyances.

RECOMMENDED ACTION:

Staff recommends that the Board authorize the General Manager to negotiate and execute the Right of Way Contract with Caltrans; and request and authorize the Board of Supervisors acting as the District Board of the Alameda County Flood Control and Water Conservation District to grant the real property rights required by the contract; and authorize the General Manager to negotiate, execute and accept the access easement on the Pleasanton Gravel Company property.

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

INTRODUCED BY
SECONDED BY

**Approve Transfer of Real Property Rights in Connection with the
State Route 84 Widening Project in Livermore**

WHEREAS, Alameda County Flood Control and Water Conservation District is the fee owner of the flood control facility known as the Arroyo Mocho, consisting therein of a trapezoidal channel with maintenance roads on each side; and

WHEREAS, the Alameda County Transportation Commission (ACTC), acting through the California Department of Transportation (Caltrans), is undertaking a project to widen and upgrade State Route 84 to expressway standards from Ruby Hill Drive to Jack London Boulevard in Livermore (Project); and

WHEREAS, a Right of Way Contract for the Project has been prepared by ACTC which requires granting real property rights to Caltrans as well as granting access easements to the City of Livermore and PG&E, over the same property, along with the construction of an alternative access road and bridge, and the acquisition of an easement for the alternative access across Pleasanton Gravel Company property; and

WHEREAS, two fee simple parcels totaling 1,179 square feet and three easements totaling 3,600 square feet, which are more particularly designated and described in the Exhibit "A's" (Nos. 70178-70181), are required from Alameda County Flood Control and Water Conservation District for said Project; and

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

WHEREAS, the Right of Way Contract for the Project requires that an easement be granted to Zone 7 for access across the Pleasanton Gravel Company lands designated and described in the Exhibit A (No. 70182).

NOW, THEREFORE, BE IT RESOLVED, that the General Manager be authorized to negotiate and execute a Right of Way Contract for granting real property rights to Caltrans, City of Livermore and PG&E; and

BE IT FURTHER RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby request and recommend that the Board of Supervisors of the Alameda County Flood Control and Water Conservation District grant real property rights required by the Right of Way Contract and authorize the President of the Board of Supervisors to execute same; and

BE IT FURTHER RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate, execute, accept and record an easement for access over the Pleasanton Gravel Company property.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on April 17, 2013.

By _____
President, Board of Directors

Line G
Nos. 70178-70182
RF-10126-10131



ZONE 7 WATER AGENCY
100 North Canyons Parkway
Livermore, CA

DRAWN: BW

REVIEWED: BW

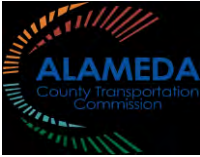
File:

SCALE: AS SHOWN

DATE: 03/06/2013

FIGURE #

Location Map
Arroyo Mocho
SR 84 Project



RIGHT OF WAY CONTRACT

_____, California
_____, 20 13

Dist.	Co.	Rte.	PM	Exp. Auth.
4	ALA	84	22.9	297600

Alameda County Flood Control and Water
Conservation District, Zone 7

Grantor

The Grant Deed for the 856 square foot fee area (Caltrans Parcel No. 61518-1), which is attached hereto as Exhibit "A" and incorporated herein by reference; the Grant Deed for the 323 square foot fee area and the 586 square foot permanent soil nail easement (Caltrans Parcel Nos. 61523-1 and 61523-2), which is attached hereto as Exhibit "B" and incorporated herein by reference; two Grant of Access Easements for the 3,014 square foot permanent easement for ingress and egress purposes (Caltrans Parcel No. 61518-2), which are attached hereto as Exhibits "C" and "D" and incorporated herein by reference; and a 44,226 square foot Temporary Construction Easement (Caltrans Parcel No. 61518-3), which is attached hereto as Exhibit "E" and incorporated herein as reference, (collectively "Grants"), covering the property particularly described therein (collectively "Subject Property"), shall be executed on behalf of **Alameda County Flood Control and Water Conservation District, Zone 7** ("Grantor"), a body corporate and politic organized under the laws of the State of California, by **Alameda County Flood Control and Water Conservation District**, a body corporate and politic organized under the laws of the State of California ("ACFCWCD"), and delivered to the **Alameda County Transportation Commission** ("Alameda CTC") and/or the **State of California Department of Transportation** ("State") in consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. Grantor, Alameda CTC and State (collectively, the "parties") have herein set forth the whole of their agreement. The performance of this Contract constitutes the entire consideration for said document and shall, save as provided in Paragraph 8 below, relieve Alameda CTC and State (collectively, "Acquiring Parties") of all further obligation or claims on the account, or on account of the location, grade, or construction of the proposed public improvement.
2. Acquiring Parties require the Subject Property for State Route 84 Expressway Widening Project (the "Project"), a public use for which the State has the authority to exercise the power of eminent domain. The Project proposes to widen and upgrade State Route 84 ("SR 84") to expressway standards (55 mph) from Ruby Hill Drive to Jack London Boulevard for the purpose of reducing congestion along SR 84 and improving local traffic circulation; reducing impacts of regional traffic diverting to local streets; and improving safety and operations on SR 84. As an expressway, all non-emergency private access to SR 84 will be closed within the project limits and access on to SR 84 would be limited to controlled intersections to improve traffic flow and safety. The proposed project includes four bridges, including structures for widening existing highway crossings and providing new crossings across Arroyo Del Valle and Arroyo Mocho.
3. The Subject Property is a portion of Grantor's property consisting of an operating flood channel located in the City of Livermore and is more commonly known as the "Arroyo Mocho Flood Control Channel" ("Channel"). In addition to the improvements to SR 84 described above, the Project also includes the construction of a new bridge across the Channel

("Channel Bridge"), which Channel Bridge is intended to be owned and maintained by Grantor upon completion of the Project. The parties acknowledge and agree that Grantor acquired the Channel property for flood control purposes, and the Acquiring Parties agree that construction of the Project will not substantially conflict or interfere with the use of the Channel by Grantor for flood control purposes. The parties further recognize that they have spent a substantial amount of time to create Project plans that mitigate the Project's impact on the use and operation of the Channel, showing the improvements required to prevent the Project from substantially conflicting with, or interfering with the use of, the Channel for flood control purposes.

4. For administrative reasons, Grantor's property is held in the name of ACFCWCD, although subject to the control of Grantor. The parties of this contract acknowledge that ACFCWCD's governing body, the Alameda County Board of Supervisors, must approve the Grants and make certain findings in connection therewith, and further acknowledge that this Contract is not effective or binding on the parties until said approval has been obtained.
5. The parties have previously entered into that certain Agreement for Possession and Use dated May 2, 2011 ("APU"), pursuant to which Grantor has authorized the use of the Subject Property for construction of the Project, pending the negotiation and execution of this Contract and the Grants. This Contract and the Grants are intended to, and shall, supersede the APU upon the recordation of the Grants.
6. Acquiring Parties' obligations:
 - A. Alameda CTC shall pay Grantor the sum of \$3,500.00 for the Subject Property (the "Total Compensation"). Pursuant to APU, the Total Compensation has been deposited into an escrow with North American Title Company ("North American") identified as Escrow No. 56901-57990425.
 - B. Alameda CTC shall pay all escrow, recording and title insurance charges, if any, incurred in this transaction.
 - C. Project contractor has already obtained an encroachment permit from Grantor for construction of the Channel Bridge, based on the Project plans referenced above.
 - D. Grantor currently has access to the Channel directly from SR 84, although such access will be eliminated as part of the Project. Acquiring Parties shall maintain and allow such access to the Channel for the duration of Project construction, until such time as the alternative access described below is made available to Grantor.
 - E. Acquiring Parties, at no cost to Grantor, shall construct an access roadway and provide and record easements. To this end, Acquiring Parties have caused the execution and recordation on July 27, 2011, as Instrument No. 2011216848 of the Official Records of Alameda County, of an ingress and egress easement over the adjacent Livermore Airway Associates parcel (Assessor's Parcel No. 904-0012-008), including the proposed Voyager Road extension, which easement benefits Grantor, among others. A connecting ingress and egress over Pleasanton Gravel Co.'s (PGC) property (Assessor's Parcel No. 904-0010-002-02) is planned. In the event the planned ingress and egress easement cannot be acquired, Acquiring Parties will provide alternative access to the Channel which is acceptable to Zone 7. Regardless of the location of the access roadway, such access road shall be completed and available, and all required easements shall be recorded, no later than completion of the Project and acceptance thereof by Caltrans. Upon delivery of the easements, and completion of access roadway improvements, to Grantor, Acquiring Parties shall have no obligation with respect to maintenance and repair of the easement areas or any improvements therein.

- F. Upon acceptance of the completed Channel Bridge by Grantor, Acquiring Parties shall transfer all rights, title and interest in the Channel Bridge to Grantor. Thereafter, Acquiring Parties shall have no obligation with respect to maintenance and repair of the Channel Bridge.
7. Grantor's obligations:
- A. Following transfer to Grantor of the Channel Bridge, Grantor shall be solely responsible for the ownership, maintenance and repair of the Channel Bridge as reasonably determined by Grantor.
- B. Grantor shall permit Pacific Gas and Electric Company and the City of Livermore, and their respective contractors and agents, to use the Channel Bridge to and from such parties' properties on the south side of the Channel, subject to the requirement that such parties may not assign or transfer their respective rights to use the Channel Bridge without prior permission in writing from Grantor.
8. Except for any claim by Grantor to a right of reimbursement for lost opportunities for groundwater recharge resulting from the Acquiring Parties' construction of the Project, Grantor, for themselves, their agents, assigns, successors-in-interest, and any related or affiliated entities, hereby fully releases and discharges Acquiring Parties, their respective agents, employees, officers, directors, attorneys, accountants, insurers and other representatives, and any and all related or affiliated private or public agencies or entities, from all rights, claims, demands, actions or causes of actions which Grantor now has or may have in the future against Acquiring Parties arising out of or pertaining to any occurrence, event, circumstance or matter of any kind or nature relating in any way to the acquisition of the Subject Property or from the construction and use of the Project as proposed, planned and designed, and Grantor is not entitled to any further compensation herein, including further compensation for the acquisition of the Subject Property, any improvements thereto, inverse condemnation, severance damages, relocation benefits, reestablishment benefits, the cost or value of any equipment or fixtures, related expenses, attorneys' fees and costs, and lost goodwill. Notwithstanding the foregoing sentence, this release shall not include any right, claim, demand, action or cause of action which Grantor has now or may have in the future against Acquiring Parties arising out of or pertaining to any occurrence, event, circumstance or matter of any kind or nature relating in any way to the design, construction and use of the Project that causes damage.
9. Acquiring Parties, for themselves, their agents, assigns, successors-in-interest, and any related or affiliated entities, hereby fully releases and discharges Grantor, its respective agents, employees, officers, directors, attorneys, accountants, insurers and other representatives, and any and all related or affiliated private or public agencies or entities, from all rights, claims, demands, actions or causes of actions which Acquiring Parties now have or may have in the future against Grantor arising out of or pertaining to any occurrence, event, circumstance or matter of any kind or nature relating in any way to the acquisition of the Subject Property; to the construction and use of the Project as proposed, planned and designed; or to the maintenance and repair of the Channel Bridge.
10. The Temporary Construction Easement area, as described in Exhibit "E," is to be used for construction purposes in connection with the Project; the herein acquired rights of usage in TCE area shall be for a period of twenty-four (24) months; said period shall commence with the first entry on Grantor's property by Acquiring Parties' contractor. At least 14 calendar days advance written notice will be given before entry on the TCE area. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, that the right of possession and use of the TCE area by Acquiring Parties includes the right to enter upon said land with personnel, vehicles and equipment, to remove and dispose of all improvements including structures, foundations, fencing, landscaping and trees where necessary.

11. Grantor hereby authorizes Alameda CTC to prepare and, file escrow instructions in accordance with this Contract on behalf of all parties.
12. It is agreed and confirmed by the parties hereto that, notwithstanding the other provisions in this Contract, the right of possession and use of the Subject Property by Acquiring Parties, and/or their respective designees or assignees, including the right to remove and dispose of improvements, commenced on April 19, 2011 and that the Total Compensation constitutes full payment for such possession and use, except as provided in Paragraph 8, from said date. Grantor shall be separately entitled to statutory interest on the Total Compensation.
13. It is understood and agreed by and between the parties hereto that the property described in Exhibits "C" and "D" in the forms of Grant of Access Easement will be conveyed directly by Grantor to the City of Livermore and Pacific Gas and Electric Company, respectively, as a part of this transaction.
14. The acquisition price of the Subject Property reflects the fair market value of the property without the presence of contamination. If the Subject Property is found to be contaminated by the presence of hazardous waste which requires mitigation under Federal or State law, Acquiring Parties may elect to recover their clean-up costs from those who caused or contributed to the contamination. Grantor shall further indemnify, defend, save and hold harmless Alameda CTC and State from any and all claims, costs and liability, including reasonable attorneys' fees, for any damage, injury or death to persons or property arising directly or indirectly from or connected with the existence of toxic or hazardous material on the Subject Property, save and except claims, costs or litigation arising through the sole willful misconduct of the Acquiring Parties or their respective agents or employees in an amount not to exceed \$3,500 (unless such contamination results from the willful misconduct of Grantor, in which case such limit shall not apply).
15. Grantor warrants that there are no oral or written leases on all or any portion of the Subject Property exceeding a period of one month, and the Grantor agrees to hold Acquiring Parties harmless and reimburse Acquiring Parties for any and all of their respective losses and expenses occasioned by reason of any lease of said Subject Property held by any tenant of Grantor for a period exceeding one month.
16. If any lessee interests are identified in Paragraph 15, as a condition precedent to approval of this Contract by the Acquiring Parties, properly and fully-executed Quitclaim Deeds, lease termination agreements or similar releases sufficient to clear any possessory rights from the Subject Property will be required. Grantor agrees to assist Acquiring Parties in securing said Quitclaim Deeds or releases.
17. This Contract shall be binding on and inure to the benefit of the respective heirs, successors and assigns of the parties to this Contract, including but not limited to any subsequent owner(s) of the Subject Property and/or any successor public agencies to Grantor.
18. Grantor understands that this Contract is subject to the approval of Acquiring Parties, and that this Contract shall have no force or effect unless and until said Acquiring Parties' approval has been obtained.
19. Except as otherwise provided herein or by express written permission granted by Acquiring Parties, Grantor shall not, after the date of execution of this Contract and the close of escrow, alienate, lien, encumber or otherwise transfer the Subject Property or any portion thereof or allow the same to occur, cause or allow any physical changes on the Subject Property, or enter into any lease or contract with respect to the Subject Property or any portion thereof which would survive the close of escrow and impair Acquiring Parties' use of the Subject Property. Grantor shall maintain the Subject Property in its current condition until the close of

escrow and shall make, at Grantor's expense, all repairs necessary to maintain the Subject Property in such condition except for any changes caused or made by Acquiring Parties.

20. This transaction will be handled through North American Escrow No. 56901-57990425. North American's mailing address is 4255 Hopyard Road, Pleasanton, CA 94588.

Continued on following page

In Witness Whereof, the Parties have executed this Contract the day and year first written above.

Grantor:

ALAMEDA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT, ZONE 7

By: _____
G. F. DUERIG
General Manager

Date: _____

Alameda CTC:

ALAMEDA COUNTY TRANSPORTATION COMMISSION

By: _____
ARTHUR L. DAO
Executive Director

Date: _____

State:

STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION

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

Date: _____

Recommended For Approval:

By: _____
STEWART D. NG
Deputy Director of Programming
and Projects

Recommended For Approval:

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

Reviewed as to Budget/Financial Controls:

By: _____
PATRICIA REAVEY
Director of Finance

Approved as to form and legality:

WENDEL, ROSEN, BLACK & DEAN LLP
Legal Counsel to Alameda CTC

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

RECORDING REQUESTED BY
STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO
ATTN: Julie McDaniel
DEPARTMENT OF TRANSPORTATION
PO BOX 23440, MS-11
OAKLAND, CA 94623-0440

EXHIBIT “A”

Space above this line for Recorder's Use

GRANT DEED

District	County	Route	Post	Number
04	ALA	84	26.4	61518

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic organized and existing under and by virtue of the laws of the State of California does hereby GRANT to the STATE OF CALIFORNIA, all that real property in the City of Livermore, County of Alameda, State of California, described as:

Please see EXHIBIT “A” and EXHIBIT “B” attached.

Transfer Tax Not Applicable: R & T Code 11911

STATE BUSINESS: Free

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

DISTRICT DIRECTOR

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

The grantor hereby further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for itself, its successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____ adopted _____, 2013, a certified copy of which is attached hereto and made a part hereof.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

Line G
No. 70178
RF-10126

By: _____
Nate Miley, President
Board of Supervisors

State of California }
County of _____ } ss

ACKNOWLEDGMENT

On this the ____ day of _____, 20 ____ before me, _____,
(Here insert name and title of the officer)
personally appeared _____,

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

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

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 20____.

MALCOLM DOUGHERTY, Director of Transportation

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

EXHIBIT "A"

LAND DESCRIPTIONS OF ONE (1) PARCEL OF LAND IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESIGNATED AS PARCEL 1 (5016-3), AS SAID PARCEL IS DESCRIBED IN THE GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED JANUARY 4, 2005 UNDER DOCUMENT NUMBER 2005-003105, OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 61518-1 (No. 70178)

RF-10126

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID PARCEL 1 (5016-3), SAID POINT BEING COINCIDENT WITH THE WESTERLY LINE OF PARCEL 6 (60248-6) AS SAID PARCEL IS DESCRIBED IN THE GRANT DEED TO THE STATE OF CALIFORNIA RECORDED MAY 11, 2010 UNDER DOCUMENT NUMBER 2010-135552 OFFICIAL RECORDS OF SAID COUNTY;

1. THENCE NORTH 89°24'28" WEST 40.04 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 (5016-3);
2. THENCE LEAVING LAST SAID LINE, NORTH 00°35'50" EAST 21.38 FEET TO THE NORTHERLY LINE OF SAID PARCEL 1 (5016-3);
3. THENCE SOUTH 89°23'22" EAST 40.00 FEET ALONG SAID NORTHERLY LINE TO SAID WESTERLY LINE OF PARCEL 6 (60248-6);
4. THENCE SOUTH 00°28'27" WEST 21.37 FEET ALONG LAST SAID LINE TO THE **POINT OF BEGINNING**.

CONTAINING 856 SQUARE FEET (0.020 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

A PLAT MAP EXHIBIT B IS ATTACHED HERETO AND MADE A PART HEREOF

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM 1983, ZONE 3, CA-HPGN EPOCH 1991.35. MULTIPLY DISTANCES SHOWN ABOVE BY 1.00008677 TO OBTAIN GROUND LEVEL DISTANCES.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.



DAN S. SCOTT III, PLS 7840
LICENSE EXPIRES: 12/31/12

March 15, 2011

DATE



Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.00006677 to obtain ground level distances.

SCALE 1"=40'

COUNTY OF ALAMEDA

ALAMEDA COUNTY FLOOD CONTROL & WATER DISTRICT
PARCEL 1 (5015A-3)
2005-003105
APN 904-0010-002-05

PARCEL 1
5016-3
2005-003105

40' LANDSCAPE STORM & SEWER ESMT 2006-142492

20' PUE & SSE 2006-142492

10' UTILITY ESMT

35' PGE ESMT
2003-381038 &
2003-381040

70178

(61518-1)
856 SQ.FT.

(60248-4)
2010-135552

10' SSE RE 2004 IM 662

P.O.B.

(60248-6)
2010-135552

25' SEWER-STORM ESMT
RE 4566 IM 320

CCUA
(59713-A)
PCL 1

(60247-18)
2007-089953

STATE ROUTE 84

(ISABEL AVENUE) "A3" LINE

LEGEND

===== ACCESS CONTROLLED

O = DIMENSION POINT

[] = AREA TO BE CONVEYED

(XXXXX) = STATE PARCEL NUMBER

() = INDICATES PRIOR CONVEYANCE

P.O.B. = POINT OF BEGINNING

1/1 = COMMON OWNERSHIP

SSE = SANITARY SEWER EASEMENT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N89°24'28"W	40.04'
L2	N00°35'50"E	21.38'
L3	S89°23'22"E	40.00'
L4	S00°28'27"W	21.37'

PLAT TO ACCOMPANY DESCRIPTION

PARTIAL FEE TAKE OF THE LANDS OF ALAMEDA COUNTY FLOOD CONTROL AND WATER DISTRICT TO BE CONVEYED TO THE STATE OF CALIFORNIA
PARCEL NO. 61518-1

COUNTY OF ALAMEDA CALIFORNIA



D & D SURVEYING, INC

LAND SURVEYING-MAPPING
6990 VILLAGE PARKWAY, SUITE 207, DUBLIN CA 94568
(925) 828-9900 FAX (925) 828-1550

DATE: MARCH 15, 2011 SCALE: 1"=40' JOB NO: GI-0702-20

A-10411.14

SHEET 1 OF 1

RF - 10126

RECORDING REQUESTED BY
STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO
ATTN: Julie McDaniel
DEPARTMENT OF TRANSPORTATION
PO BOX 23440, MS-11
OAKLAND, CA 94623-0440

EXHIBIT “B”

Space above this line for Recorder's Use

GRANT DEED

District	County	Route	Post	Number
04	ALA	84	26.4	61523

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic organized and existing under and by virtue of the laws of the State of California does hereby GRANT to the STATE OF CALIFORNIA, all that real property in the City of Livermore, County of Alameda, State of California, described as:

Please see EXHIBIT “A” and EXHIBIT “B” attached.

Transfer Tax Not Applicable: R & T Code 11911

STATE BUSINESS: Free

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

DISTRICT DIRECTOR

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

The grantor hereby further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for itself, its successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____ adopted _____, 2013, a certified copy of which is attached hereto and made a part hereof.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

Line G
No. 70180
RF-10129

By: _____
Nate Miley, President
Board of Supervisors

State of California } ss
County of _____

ACKNOWLEDGMENT

On this the ____ day of _____, 20 ____ before me, _____,
(Here insert name and title of the officer)
personally appeared _____,

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

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

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 20 ____.

MALCOLM DOUGHERTY, Director of Transportation

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

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS;

BEING A PORTION OF PARCEL 1 (5013A-2) OF THE GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED JANUARY 4, 2005 UNDER DOCUMENT NUMBER 2005-003105, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 61523-1 (No. 70180)

RF – 10129

BEGINNING AT THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED IN PARCEL 17 (60247-17) OF THE GRANT DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 1, 2007 UNDER DOCUMENT NUMBER 2007089953, OFFICIAL RECORDS OF SAID COUNTY, AS SOUTH 00°46'06" WEST 4.999 METERS, (THE BEARING OF SOUTH 00°46'05" WEST BEING TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) ;

1. THENCE NORTH 00°46'05" EAST 16.40 FEET ALONG THE GENERAL EASTERLY LINE OF SAID PARCEL 17 TO THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 113.52 FEET;
2. THENCE NORTHERLY 0.56 FEET ALONG SAID CURVE AND SAID GENERAL EASTERLY LINE THROUGH A CENTRAL ANGLE OF 00°16'56" TO THE NORTHWESTERLY CORNER OF SAID PARCEL 1 (5013A-2);
3. THENCE SOUTH 89°19'07" EAST 19.03 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL 1 (5013A-2);
4. THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00°45'50" EAST 16.99 FEET;
5. THENCE NORTH 89°13'55" WEST 6.78 FEET TO THE GENERAL WESTERLY LINE OF SAID PARCEL 1 (5013A-2);
6. THENCE NORTH 89°13'55" 12.25 FEET ALONG SAID GENERAL WESTERLY LINE TO THE **POINT OF BEGINNING.**

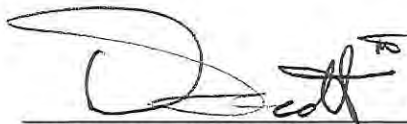
CONTAINING 323 SQUARE FEET (0.007 ACRES), MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID FREEWAY.

A PLAT MAP EXHIBIT B IS ATTACHED HERETO AND MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM 1983, ZONE 3, CA-HPGN EPOCH 1991.35. MULTIPLY DISTANCES SHOWN ABOVE BY 1.00008677 TO OBTAIN GROUND LEVEL DISTANCES.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.



DAN S. SCOTT III, PLS 7840

MARCH 19, 2013
DATE



Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Stationing and stationing are grid distances. Multiply distances by 1.00008677 to obtain ground level distances.



SCALE 1"=30'

"A3" LINE

415

6

7

STATE ROUTE 84

(ISABEL AVENUE)

(60247-17)
2007-089953

(61523-1)
323 SQ.FT.

(60247-18)
2007-089953

Q PGE ESMT
UNSPECIFIED WIDTH
2005-271817

N00°45'49"E 193.69'

N00°46'05"E
16.40'

P.O.B.

L3

N00°45'50"E

741.37'

(61523)

A.C.F.C. & W.D.
PARCEL 1 (5013A-2)
2005-003105
APN 099-0176-005-04

15' PGE ESMT
4565 OR 227

35' PGE ESMT
2003-381040

S89°19'07"E

CONSENT TO COMMON USE
(59713-A)
AGREEMENT 2007-89954

(59790-1)

LEGEND

- ===== ACCESS CONTROLLED
- O = DIMENSION POINT
- [] = AREA TO BE CONVEYED
- (XXXXX) = STATE PARCEL NUMBER
- (---) = INDICATES PRIOR CONVEYANCE
- P.O.B. = POINT OF BEGINNING

EXHIBIT "B"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°45'50"W	16.99'
L2	N89°13'55"W	6.78'
L3	N89°13'55"W	12.25'

PLAT TO ACCOMPANY DESCRIPTION

PARTIAL FEE TAKE OVER THE LANDS OF ALAMEDA COUNTY FLOOD CONTROL AND WATER DISTRICT TO BE CONVEYED TO THE STATE OF CALIFORNIA
PARCEL NO. 61523-1

CITY OF LIVERMORE COUNTY OF ALAMEDA CALIFORNIA

URS
PLEASANT HILL OFFICE
3440 VINCENT ROAD, SUITE C
PLEASANT HILL, CA 94070
(925) 974-1550 FAX (925) 256-1260

DATE: MARCH 19, 2013 SCALE: 1"=30' JOB NO: 2009-74

SHEET 1 OF 1

A-10411.14

RF - 10129

RECORDING REQUESTED BY
STATE OF CALIFORNIA

WHEN RECORDED – RETURN TO
ATTN: Julie McDaniel
DEPARTMENT OF TRANSPORTATION
PO BOX 23440, MS-11
OAKLAND, CA 94623-0440

EXHIBIT “C”

Space above this line for Recorder's Use

EASEMENT DEED

District	County	Route	Post	Number
04	ALA	84	26.4	61523

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic (Grantor) organized and existing under and by virtue of the laws of the State of California does hereby GRANT to the STATE OF CALIFORNIA (Grantee) a PERMANENT SOIL NAIL EASEMENT for the purpose of lateral support for a retaining wall and the right and privilege to maintain said retaining wall, as Grantee may see fit, inclusive of all necessary nail supports, fences, protective barriers and fixtures for use in connection therewith or appurtenant thereto, in, under, over, along, upon and across, all that real property in the City of Livermore, County of Alameda, State of California, described as:

Please see EXHIBIT “A” and EXHIBIT “B” attached.

Also, together with the right of ingress to and egress from said easement area over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor, provided, that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said easement area by any public road or highway, now crossing or hereafter crossing said lands.

Grantor, hereby reserves the right to use said easement area for purposes which will not interfere with Grantee's full enjoyment of the rights hereby granted; provided that Grantor, its successors or assigns shall not excavate, erect, place or construct any permanent building or other structures, septic system, leach field, construct any fence, trees, place underground utilities, drill, or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or install anything that will interfere with the rights herein granted to Grantee within said easement area.

This instrument shall bind and inure to the benefit of the successors and assigns of the parties hereto.

Transfer Tax Not Applicable: R & T Code 11911

STATE BUSINESS: Free

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

DISTRICT DIRECTOR

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

Number
61523

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____ adopted _____, 2013, a certified copy of which is attached hereto and made a part hereof.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

Line G
No. 70181
RF-10130

By: _____
Nate Miley, President
Board of Supervisors

State of California } ss
County of _____

ACKNOWLEDGMENT

On this the ____ day of _____, 20 ____ before me, _____,
(Here insert name and title of the officer)
personally appeared _____,

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

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

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 20____.

MALCOLM DOUGHERTY, Director of Transportation

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

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 1 (5013A-2) OF THE GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED JANUARY 4, 2005 UNDER DOCUMENT NUMBER 2005-003105, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 61523-2 (No. 70181)

RF – 10130

A PERMANENT SOIL NAIL EASEMENT FOR THE PURPOSE OF LATERAL SUPPORT FOR A RETAINING WALL AND THE RIGHT AND PRIVILEGE TO MAINTAIN SAID RETAINING WALL, AS THE GRANTEE MAY SEE FIT, INCLUSIVE OF ALL NECESSARY NAIL SUPPORTS, FENCES, PROTECTIVE BARRIERS AND FIXTURES FOR USE IN CONNECTION THEREWITH OR APPURTENANT THERETO, IN, UNDER, OVER, ALONG, UPON AND ACROSS SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EASTERLY LINE OF PARCEL 17 (60247-17) OF THE GRANT DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 1, 2007 UNDER DOCUMENT NUMBER 2007089953, OFFICIAL RECORDS OF SAID COUNTY, FROM WHICH THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED AS SOUTH 02°15'46" EAST 93.581 METERS, (THE BEARING OF SOUTH 02°15'47" EAST BEING TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) BEARS SOUTH 02°15'47" EAST 143.68 FEET;

1. THENCE NORTH 87°44'13" EAST 13.90 FEET TO THE WESTERLY LINE OF SAID PARCEL 1 (5013A-2), SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**;
2. THENCE LEAVING SAID WESTERLY LINE, NORTH 87°44'13" EAST 7.56 FEET;
3. THENCE SOUTH 00°30'23" WEST 155.40 FEET TO SAID WESTERLY LINE;
4. THENCE NORTH 02°16'51" WEST 155.22 FEET ALONG LAST SAID LINE TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 586 SQUARE FEET (0.013 ACRES), MORE OR LESS.

ALSO, TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID EASEMENT AREA OVER AND ACROSS SAID LANDS BY MEANS OF ROADS AND LANES THEREON, IF SUCH THERE BE, OTHERWISE BY SUCH ROUTE OR ROUTES AS SHALL OCCASION THE LEAST PRACTICABLE DAMAGE AND INCONVENIENCE TO GRANTOR, PROVIDED, THAT SUCH RIGHT OF INGRESS AND EGRESS SHALL NOT EXTEND TO ANY PORTION OF SAID LANDS WHICH IS ISOLATED FROM SAID EASEMENT AREA BY ANY PUBLIC ROAD OR HIGHWAY, NOW CROSSING OR HEREAFTER CROSSING SAID LANDS.

GRANTOR, HEREBY RESERVES THE RIGHT TO USE SAID EASEMENT AREA FOR PURPOSES WHICH WILL NOT INTERFERE WITH GRANTEE'S FULL ENJOYMENT OF THE RIGHTS HEREBY GRANTED; PROVIDED THAT GRANTOR, ITS SUCCESSORS OR ASSIGNS SHALL NOT EXCAVATE, ERECT, PLACE OR CONSTRUCT ANY PERMANENT BUILDING OR OTHER STRUCTURES, SEPTIC SYSTEM, LEACH FIELD, CONSTRUCT ANY FENCE, TREES, PLACE UNDERGROUND UTILITIES, DRILL OR OPERATE ANY WELL, OR CONSTRUCT ANY RESERVOIR OR OTHER OBSTRUCTION WITHIN SAID EASEMENT AREA, OR DIMINISH OR INSTALL ANYTHING THAT WILL INTERFERE WITH THE RIGHTS HEREIN GRANTED TO GRANTEE WITHIN SAID EASEMENT AREA.

THIS INSTRUMENT SHALL BIND AND INURE TO THE BENEFIT OF THE SUCCESSORS AND ASSIGNS OF THE PARTIES HERETO.

A PLAT MAP EXHIBIT B IS ATTACHED HERETO AND MADE A PART HEREOF.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM 1983, ZONE 3, CA-HPGN EPOCH 1991.35. MULTIPLY DISTANCES SHOWN ABOVE BY 1.00008677 TO OBTAIN GROUND LEVEL DISTANCES.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.



DAN S. SCOTT III, PLS 7840

MARCH 19, 2013

DATE



RF - 10130

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

EXHIBIT "D"

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

APN 950-0010-002-05 (portion)

No. 70179

GRANT OF ACCESS EASEMENT

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, hereinafter designated "Grantor", in consideration of value paid, the adequacy and receipt of which are hereby acknowledged, hereby grants to the **CITY OF LIVERMORE**, a municipal corporation, hereinafter designated "Grantee", its successors and assigns, a perpetual non-exclusive easement for ingress and egress in, over, upon and across all that certain real property in the City of Livermore, County of Alameda, State of California, described in attached Exhibit "A" and depicted in Exhibit "A-1," attached hereto and incorporated herein by reference ("Easement Area").

RECITALS

- A. Grantor is the owner, in fee, of that certain parcel of land in the City of Livermore, Alameda County ("County"), California, which is more particularly described in (insert recording information on parcel).
- B. Grantee is the owner, in fee, of that certain parcel of land in unincorporated Alameda County, California, south of Grantor Parcel, which parcel of land is more particularly described in (insert recording information on parcel).
- C. In conjunction with the acquisition of certain property which is required for the Route 84 Expressway Project ("Project"), Grantee will be deprived of access to Grantee's Parcel from Isabel Avenue. To help replace such access, Grantor has agreed to grant to Grantee, and Grantee desires to accept from Grantor, the easement described herein, subject to the terms and conditions of this Grant, so as to permit the Grantee to access Grantee's Parcel across the Grantor's.
- D. The roadway, bridge and other improvements required by the Grantee to utilize the easement described herein (collectively, "Roadway") are to be constructed by or on behalf of the

Alameda County Transportation Improvement Authority ("ACTIA") and/or its intended successor, the Alameda County Transportation Commission ("Alameda CTC") as part of the Project.

- E. Connecting easements providing the Grantee with access between Voyager Street over intervening property owned by Livermore Airway Associates, LLC and Pleasanton Gravel Company, are intended to be granted concurrently herewith.

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

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

1. Grantee shall promptly repair any damage it may do to Grantor's Access Road including the bridge structure crossing the Arroyo Mocho channel. Should Grantee fail to promptly repair any such damage to the reasonable satisfaction of Grantor, Grantor shall have the right to effectuate repairs and charge Grantee the cost therefore which shall be payable within 30 days of receipt of invoice from Grantor.
2. Grantor reserves the right to convey easement rights in, over, upon and across said Easement Area to others so long as such easement(s) do not conflict or interfere with Grantee's easement rights herein conveyed.
3. Grantee agrees to indemnify Grantor against all damages, expenses, costs and charges, and to save Grantor harmless from any and all claims for damages by third parties, and all loss and liability caused by the wrongful or negligent act or omission of Grantee, its agents, employees, contractors or subcontractors.

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

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

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

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____ adopted _____, 2013, a certified copy of which is attached hereto and made a part hereof.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: _____
Nate Miley, President
Board of Supervisors

Line G (Arroyo Mocho)
Map: RF-10127

EXHIBIT "A"

LAND DESCRIPTION OF ONE (1) PARCEL OF LAND IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED JANUARY 4, 2005 UNDER DOCUMENT NUMBER 2005-003105, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1 (61518-2) (No. 70179)

RF - 10127

AN EASEMENT FOR INGRESS AND EGRESS PURPOSES AND INCIDENTS THERETO, UPON, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF PARCEL 1 (5015A-3) AS DESCRIBED IN SAID GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, SAID POINT BEING SOUTH 45°43'15" WEST 7.89 FEET FROM THE EASTERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED AS NORTH 45°45'46" EAST 775.36 FEET, (THE BEARING OF NORTH 45°43'15" EAST BEING TAKEN FOR THE PURPOSE OF THIS DESCRIPTION), IN SAID GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT;

1. THENCE SOUTH 45°43'15" WEST 18.91 FEET ALONG SAID SOUTHEASTERLY LINE TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 55.00 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING NORTH 88°51'33" EAST);
2. THENCE NORTHERLY 20.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°24'14";
3. THENCE NORTH 22°32'42" WEST 180.88 FEET TO NORTHWESTERLY LINE OF SAID LANDS OF ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT;
4. THENCE NORTH 43°31'18" EAST 16.41 FEET ALONG SAID NORTHWESTERLY LINE;
5. THENCE LEAVING SAID NORTHERLY LINE, SOUTH 22°32'42" EAST 187.54 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 70.00 FEET;
6. THENCE SOUTHERLY 13.15 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°45'42" TO THE SOUTHEASTERLY LINE OF SAID LANDS OF ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE **POINT OF BEGINNING**.

CONTAINING 3,014 SQUARE FEET (0.069 ACRES), MORE OR LESS.

A PLAT MAP IS ATTACHED HERETO AND MADE A PART HEREOF

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM 1983, ZONE 3, CA-HPGN EPOCH 1991.35. MULTIPLY DISTANCES SHOWN ABOVE BY 1.00008677 TO OBTAIN GROUND LEVEL DISTANCES.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

 **SEPT 29, 2009**
 DAN S. SCOTT III, PLS 7840 DATE
 LICENSE EXPIRES: 12/31/10



Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.00008677 to obtain ground level distances.

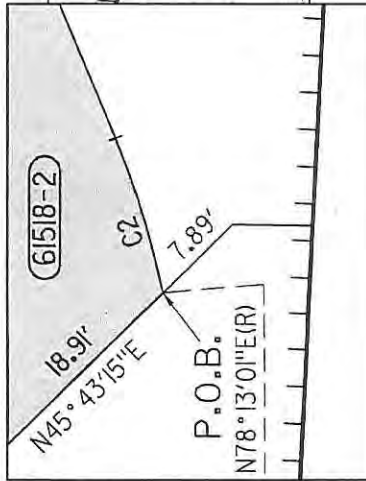


GRAPHIC SCALE



1" = 40'

CITY OF LIVERMORE
2001-287044
APN 904-0010-002-06



DETAIL A
NO SCALE

LEGEND

- ||||| = ACCESS CONTROLLED
- O = DIMENSION POINT
- [] = AREA TO BE CONVEYED
- (XXXXX) = STATE PARCEL NUMBER
- P.O.B. = POINT OF BEGINNING
- () = PER 2005-003105 O.R.
- 1/4" = COMMON OWNERSHIP

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C1	55.00'	21° 24' 14"	20.55'
C2	70.00'	10° 45' 42"	13.15'

STATE ROUTE 84 (ISABEL AVENUE)

"A3" LINE 415

PLAT TO ACCOMPANY DESCRIPTION

INGRESS EGRESS EASEMENT OVER OF THE LANDS OF ALAMEDA COUNTY
FLOOD CONTROL AND WATER DISTRICT
PARCEL NO. 61518-2

CITY OF LIVERMORE COUNTY OF ALAMEDA CALIFORNIA



GEOMATICS TRANSPORTATION SERVICES, INC
RIGHT-OF-WAY- LAND SURVEYING-MAPPING
6690 AMADOR PLAZA ROAD, SUITE 101, DUBLIN CA 94568
(925) 556-1776 FAX (925) 833-9443

A-10411.14

SHEET 1 OF 1

DATE: SEPT 28, 2009 SCALE: 1"=40' JOB NO: G1-0702-20

RF - 10127

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

PACIFIC GAS AND ELECTRIC
COMPANY
Land Services Office – Attn: R. Burton
1850 Gateway Blvd., 8th Floor
Concord, California 94520

EXHIBIT “E”

SPACE ABOVE THIS LINE FOR RECORDER’S USE

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

APN 950-0010-002-05 (portion)

No. 70179

GRANT OF ACCESS EASEMENT

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, hereinafter designated “Grantor”, in consideration of value paid, the adequacy and receipt of which are hereby acknowledged, hereby grants to **PACIFIC GAS AND ELECTRIC COMPANY**, a California corporation, hereinafter designated “Grantee”, its successors and assigns, a perpetual non-exclusive easement for ingress and egress in, over, upon and across all that certain real property in the City of Livermore, County of Alameda, State of California, described in attached Exhibit “A” and depicted in Exhibit “A-1,” attached hereto and incorporated herein by reference (“Easement Area”).

RECITALS

- A. Grantor is the owner, in fee, of that certain parcel of land in the City of Livermore, Alameda County (“County”), California, which is more particularly described in (insert recording information on parcel).
- B. Grantee is the owner, in fee, of that certain parcel of land in unincorporated Alameda County, California, south of Grantor Parcel, which parcel of land is more particularly described in (insert recording information on parcel).
- C. In conjunction with the acquisition of certain property which is required for the Route 84 Expressway Project (“Project”), Grantee will be deprived of access to Grantee’s Parcel from Isabel Avenue. To help replace such access, Grantor has agreed to grant to Grantee, and Grantee desires to accept from Grantor, the easement described herein, subject to the terms and conditions of this Grant, so as to permit the Grantee to access Grantee’s Parcel across the Grantor’s.
- D. The roadway, bridge and other improvements required by the Grantee to utilize the easement described herein (collectively, “Roadway”) are to be constructed by or on behalf of the

Alameda County Transportation Improvement Authority ("ACTIA") and/or its intended successor, the Alameda County Transportation Commission ("Alameda CTC") as part of the Project.

- E. Connecting easements providing the Grantee with access between Voyager Street over intervening property owned by Livermore Airway Associates, LLC and Pleasanton Gravel Company, are intended to be granted concurrently herewith.

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

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

1. Grantee shall promptly repair any damage it may do to Grantor's Access Road including the bridge structure crossing the Arroyo Mocho channel. Should Grantee fail to promptly repair any such damage to the reasonable satisfaction of Grantor, Grantor shall have the right to effectuate repairs and charge Grantee the cost therefore which shall be payable within 30 days of receipt of invoice from Grantor.
2. Grantor reserves the right to convey easement rights in, over, upon and across said Easement Area to others so long as such easement(s) do not conflict or interfere with Grantee's easement rights herein conveyed.
3. Grantee agrees to indemnify Grantor against all damages, expenses, costs and charges, and to save Grantor harmless from any and all claims for damages by third parties, and all loss and liability caused by the wrongful or negligent act or omission of Grantee, its agents, employees, contractors or subcontractors.

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

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

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

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. _____ adopted _____, 2013, a certified copy of which is attached hereto and made a part hereof.

Dated: _____

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: _____
Nate Miley, President
Board of Supervisors

Line G (Arroyo Mocho)
Map: RF-10128

EXHIBIT "A"

LAND DESCRIPTION OF ONE (1) PARCEL OF LAND IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING PORTIONS OF THAT PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED JANUARY 4, 2005 UNDER DOCUMENT NUMBER 2005-003105, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1 (61518-2) (No. 70179)

RF - 10128

AN EASEMENT FOR INGRESS AND EGRESS PURPOSES AND INCIDENTS THERETO, UPON, OVER AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF PARCEL 1 (5015A-3) AS DESCRIBED IN SAID GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, SAID POINT BEING SOUTH 45°43'15" WEST 7.89 FEET FROM THE EASTERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED AS NORTH 45°45'46" EAST 775.36 FEET, (THE BEARING OF NORTH 45°43'15" EAST BEING TAKEN FOR THE PURPOSE OF THIS DESCRIPTION), IN SAID GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT;

1. THENCE SOUTH 45°43'15" WEST 18.91 FEET ALONG SAID SOUTHEASTERLY LINE TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 55.00 FEET, (A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING NORTH 88°51'33" EAST);
2. THENCE NORTHERLY 20.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°24'14";
3. THENCE NORTH 22°32'42" WEST 180.88 FEET TO NORTHWESTERLY LINE OF SAID LANDS OF ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT;
4. THENCE NORTH 43°31'18" EAST 16.41 FEET ALONG SAID NORTHWESTERLY LINE;
5. THENCE LEAVING SAID NORTHERLY LINE, SOUTH 22°32'42" EAST 187.54 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 70.00 FEET;
6. THENCE SOUTHERLY 13.15 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°45'42" TO THE SOUTHEASTERLY LINE OF SAID LANDS OF ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE **POINT OF BEGINNING**.

CONTAINING 3,014 SQUARE FEET (0.069 ACRES), MORE OR LESS.

A PLAT MAP IS ATTACHED HERETO AND MADE A PART HEREOF

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM 1983, ZONE 3, CA-HPGN EPOCH 1991.35. MULTIPLY DISTANCES SHOWN ABOVE BY 1.00008677 TO OBTAIN GROUND LEVEL DISTANCES.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

 **SEPT 29, 2009**
 DAN S. SCOTT III, PLS 7840 DATE
 LICENSE EXPIRES: 12/31/10



Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.00008677 to obtain ground level distances.

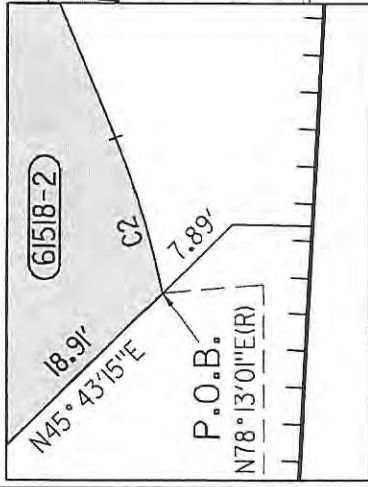


GRAPHIC SCALE



1" = 40'

CITY OF LIVERMORE
2001-287044
APN 904-0010-002-06



DETAIL A
NO SCALE

LEGEND

- +—+—+— = ACCESS CONTROLLED
- = DIMENSION POINT
- ▭ = AREA TO BE CONVEYED
- (XXXXXX) = STATE PARCEL NUMBER
- P.O.B. = POINT OF BEGINNING
- () = PER 2005-003105 O.R.
- 1/4" = COMMON OWNERSHIP

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
CI	55.00'	21°24'14"	20.55'
C2	70.00'	10°45'42"	13.15'

STATE ROUTE 84

(ISABEL AVENUE)

4 "A3" LINE 415

PLAT TO ACCOMPANY DESCRIPTION

INGRESS EGRESS EASEMENT OVER OF THE LANDS OF ALAMEDA COUNTY
FLOOD CONTROL AND WATER DISTRICT
PARCEL NO. 61518-2

CITY OF LIVERMORE COUNTY OF ALAMEDA CALIFORNIA



GEOMATICS TRANSPORTATION SERVICES, INC
RIGHT-OF-WAY- LAND SURVEYING-MAPPING
6690 AMADOR PLAZA ROAD, SUITE 101, DUBLIN CA 94568
(925) 556-1776 FAX (925) 833-9443

A-10411.14

SHEET 1 OF 1

DATE: SEPT 28, 2009 SCALE: 1"=40' JOB NO: G1-0702-20

RF - 10128

EXHIBIT "F"

LAND DESCRIPTION OF ONE (1) PARCEL OF LAND IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING PORTION OF THAT CERTAIN PARCEL OF LAND DESIGNATED AS PARCEL 1 (5015A-3), AS SAID PARCEL IS DESCRIBED IN THE GRANT DEED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED JANUARY 4, 2005 UNDER DOCUMENT NUMBER 2005-003105, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 61518-3

A TEMPORARY EASEMENT TO TERMINATE DECEMBER 30, 2014 FOR CONSTRUCTION PURPOSES AND INCIDENTS THERETO, UPON AND ACROSS A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID PARCEL 1 (5015A-3), SAID POINT BEING COINCIDENT WITH THE WESTERLY LINE OF THAT CERTAIN PARCEL DESIGNATED AS PARCEL 4 (60248-4), AS SAID PARCEL IS DESCRIBED IN THE GRANT DEED TO THE STATE OF CALIFORNIA RECORDED MAY 11, 2010 UNDER DOCUMENT NUMBER 2010-135552, OFFICIAL RECORDS OF SAID COUNTY;

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

1. SOUTH 00°28'27" WEST 36.29 FEET;
2. SOUTH 03°00'32" WEST 169.02 FEET TO THE GENERAL SOUTHERLY LINE SAID PARCEL 1 (5015A-3);

THENCE ALONG SAID GENERAL SOUTHERLY LINE THE FOLLOWING TWO (2) COURSES;

3. NORTH 89°14'53" WEST 6.56 FEET;
4. SOUTH 45°43'15" WEST 145.27 FEET;
5. THENCE LEAVING LAST SAID LINE, NORTH 44°16'45" WEST 182.53 FEET TO THE GENERAL NORTHWESTERLY LINE OF SAID PARCEL 1 (5015A-3);

THENCE ALONG SAID GENERAL NORTHWESTERLY LINE THE FOLLOWING TWO (2) COURSES;

6. NORTH 45°43'17" EAST 125.20 FEET;
7. NORTH 43°31'18" EAST 122.85 FEET TO THE NORTHERLY LINE OF SAID PARCEL 1 (5015A-3);
8. THENCE SOUTH 89°24'28" EAST 72.95 FEET ALONG LAST SAID LINE TO THE **POINT OF BEGINNING**.

CONTAINING 44,226 SQUARE FEET (1.015 ACRES), MORE OR LESS.

A PLAT MAP EXHIBIT B IS ATTACHED HERETO AND MADE A PART HEREOF

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON CALIFORNIA COORDINATE SYSTEM 1983, ZONE 3, CA-HPGN EPOCH 1991.35. MULTIPLY DISTANCES SHOWN ABOVE BY 1.00008677 TO OBTAIN GROUND LEVEL DISTANCES.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.


DAN S. SCOTT III, PLS 7840
LICENSE EXPIRES: 12/31/12

MARCH 15, 2011
DATE



Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1993.5. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.00008671 to obtain ground level distances.

61518
ALAMEDA COUNTY FLOOD CONTROL & WATER DISTRICT
PARCEL 1 (5015A-3)
2005-003105
APN 904-0010-002-05

61518-3
TCE
TERM 12-30-2014
44,226 SQ.FT.

CITY OF LIVERMORE
2001-287044

COUNTY OF ALAMEDA
PLEASANTON GRAVEL CO.
80-208322
LIVERMORE AIRWAY ASSOCIATION, LLC
PARCEL C
291 M 3

PARCEL 1
(5106-3)
2005-003105

LEGEND

- = ACCESS CONTROLLED
- = DIMENSION POINT
- = AREA TO BE CONVEYED
- = STATE PARCEL NUMBER
- = INDICATES PRIOR CONVEYANCE
- P.O.B.** = POINT OF BEGINNING
- = COMMON OWNERSHIP
- TERM** = TERMINATION DATE

STATE ROUTE 84
(ISABEL AVENUE)

60248-4
2010-135553

"A3" LINE

EXHIBIT "B"

PLAT TO ACCOMPANY DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT OVER THE LANDS OF ALAMEDA COUNTY FLOOD CONTROL AND WATER DISTRICT TO BE CONVEYED TO THE STATE OF CALIFORNIA, PARCEL NO. 61518-3

COUNTY OF ALAMEDA CALIFORNIA



D & D SURVEYING, INC
LAND SURVEYING-MAPPING
6990 VILLAGE PARKWAY, SUITE 207, DUBLIN CA 94568
(925) 828-8900 FAX (925) 828-1550

DATE: MARCH 15, 2011 SCALE: 1"=50' JOB NO: GI-0702-20

A-10411.14



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Engineering
CONTACT: Dennis Gambs/Jarnail Chahal

AGENDA DATE: April 17, 2013

ITEM NO. **5c**

SUBJECT: Exchange of Easements with PG&E on Lake I in connection with Iron Wood Village Development, Pleasanton

SUMMARY:

- Ponderosa Homes is currently constructing a housing development known as “Ironwood Active Adult Community” which is adjacent to Zone 7’s Lake I in Pleasanton.
- Ponderosa Homes has requested Pacific Gas & Electric (PG&E) to underground its overhead electric line to improve homeowner views looking west over Lake I.
- To accommodate this request, PG&E must obtain an easement from Zone 7 to relocate its electric overhead line underground within Zone 7’s maintenance road setback area.
- PG&E’s existing overhead electric line is within an easement over a portion of Lake I which PG&E will quitclaim to Zone 7 in exchange for a new easement.
- Zone 7 staff have reviewed the plans for the electric line being relocated underground and determined that there is no conflict or interference with the use of the property by Zone 7 for water management purposes.

FUNDING:

The estimated value of the easement area to be granted to PG&E is approximately the same value as the existing easement that PG&E would quitclaim to Zone 7.

RECOMMENDED ACTION:

Adopt attached resolutions:

1. Requesting and authorizing the Board of Supervisors of Alameda County Flood Control and Water Conservation District to approve granting the Easement Deed to PG&E; and
2. Authorizing the General Manager to accept and record the Quitclaim Deed from PG&E.

ATTACHMENTS:

1. Memo providing additional background and discussion
2. Resolutions
3. Location Map
4. Easement and Quitclaim Deeds

INTEROFFICE MEMO

Date: April 17, 2013
To: Jill Duerig, General Manager
From: Dennis Gambs, Principal Engineer
Subject: Exchange of Easements with PG&E on Lake I in connection with Iron Wood Village Development, Pleasanton

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

BACKGROUND:

Ponderosa Homes is currently constructing a housing development known as "Ironwood Active Adult Community" or "the Village at Ironwood" south of Lake I on Bradford Way, Pleasanton. The development is a gated community with private streets consisting of 110 detached single-family homes for residents 55 years and older.

DISCUSSION:

PG&E has an existing overhead electric line within an easement crossing a portion of the Lake I parcel in Pleasanton. Ponderosa Homes has requested Pacific Gas & Electric (PG&E) to relocate its overhead electric line underground to improve the views looking west over Lake I for existing and prospective homeowners. To accommodate this request, PG&E must obtain an easement from Zone 7 to relocate the electric overhead line underground within Zone 7's maintenance road setback area.

In exchange for Zone 7's granting an underground easement to PG&E, PG&E will quitclaim that portion of its existing overhead easement no longer needed because of the overhead line relocation. Zone 7's acceptance of the quitclaim deed would have the effect of extinguishing the overhead easement. The net effect of the grant and quitclaim of easements is that PG&E's easement will be relocated to a new location within Zone 7's property, with no significant net gain or loss of easement value.

Zone 7's staff has reviewed the plans for the electric underground line and determined that there is no conflict or interference with the use of the property by Zone 7 for water management purposes. The estimated value of the easement to be granted to PG&E is approximately the same value as the existing easement that PG&E would quitclaim to Zone 7. There is no funding impact arising from this action.

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

As part of this development Ponderosa was required by the City of Pleasanton to construct a trail from the end of the paved Mohr Avenue to Iron Gate Court. A portion of this trail was constructed along the southerly boundary of Zone 7's Lake I parcel through an encroachment permit with the intention that the City of Pleasanton would amend its existing License Agreement with Zone 7 to allow public use of the property. This license agreement amendment would come before the Zone 7 Board at a future meeting. Ponderosa also made grading and drainage improvements to the southerly portion of the Lake I parcel including the construction of a storm drain. This storm drain system drains Zone 7's property and crosses city property (the southerly portion of the abandoned Mohr Avenue) before entering the city storm drain system. In order for Zone 7 to maintain the storm drain, the city would need to grant Zone 7 an easement for the storm drain. Like the license agreement amendment, this action would come before the Zone 7 Board at a future meeting.

RECOMMENDATION:

Staff recommends that the Board authorize the Board of Supervisors of the District to approve granting the Easement Deed to PG&E and authorize the General Manager to accept and record the Quitclaim Deed from PG&E.

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Approval of Grant of Easement Deed to PG&E in Exchange for the
Quitclaim of an Underground Electric Line**

WHEREAS, Alameda County Flood Control and Water Conservation District, Zone 7 is the owner of the real property known as Lake I in Pleasanton; and

WHEREAS, in connection with a housing development being constructed by Ponderosa Homes in Pleasanton, the developer has requested Pacific Gas & Electric (PG&E) to relocate its overhead electric line underground to improve the views for existing and prospective home owners; and

WHEREAS, PG&E will quitclaim its existing overhead electric line easement in exchange for receiving an underground easement; and

WHEREAS, an Easement Deed has been prepared conveying an easement to PG&E for an underground electric line on the lands described in Exhibit A (No. 70183); and

WHEREAS, said Easement Deed has been reviewed by Zone 7 staff who have determined that the granting of said easement is in the public interest and will not substantially conflict nor interfere with the use of said property by the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and finalize the Easement Deed; and

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

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lake I
No. 70183
Map: RF 10132

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on April 17, 2013.

By _____
President, Board of Directors

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

RESOLUTION NO

INTRODUCED BY
SECONDED BY

Accept and Record Quitclaim Deed from PG&E

WHEREAS, Pacific Gas and Electric Company (PG&E) is quitclaiming its overhead easement to Alameda County Flood Control and Water Conservation District that is no longer needed by PG&E, on the lands designated and described in Exhibit A (No.70184).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District authorizes the General Manager to accept said quitclaim deed from PG&E and to execute a certificate of acceptance causing the same to be recorded at the Office of the Recorder of Alameda County.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on April 17, 2013.

By _____
President, Board of Directors

Lake I
No. 70184
Map: RF 10133



ZONE 7 WATER AGENCY
100 North Canyons Parkway
Livermore, CA

DRAWN: BW

REVIEWED: DG

File:

SCALE: AS SHOWN

DATE: 04/09/2013

FIGURE #

**PG&E EASEMENTS
LOCATION MAP**

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Services Office
1850 Gateway Blvd., 7th Floor
Concord, CA 94520

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

☐ This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).

☐ Computed on Full Value of Property Conveyed, or

☐ Computed on Full Value Less Liens
& Encumbrances Remaining at Time of Sale

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD#

EASEMENT DEED

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT – ZONE 7,
a California public entity,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Pleasanton, County of Alameda, State of California, described as follows:

(APN 946-1250-041; 946-1250-006-05)

The parcel of land described in Exhibit “A” in the deed from Hanson Aggregates Mid-Pacific, Inc., to Alameda County Flood Control and Water Conservation District – Zone 7 dated June 27, 2003 and recorded as Document No. 2003-378544, Alameda County Records.

Said facilities and easement area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes located within the parcel of land described in Exhibit “A” and shown upon Exhibit “B” attached hereto and made a part hereof as initially installed hereunder.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor acknowledges that they have read the “Grant of Easement Disclosure Statement”, Exhibit “C”, attached hereto and made a part hereof.

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

Dated: _____, _____.

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
– ZONE 7

By

Name

Title

By

Name

Title

I hereby certify that a resolution was adopted on
the ____ day of _____, 20____, by the

authorizing the foregoing grant of easement.

By_____

North Coast area, Mission Division
Land Service Office: Concord RMC
Operating Department: Electric Distribution
USGS location (MDB&M and T 3 S, R 1 E, Sec. 10, SW ¼ of SW ¼)
FERC License Number(s): N/A
PG&E Drawing Number(s): N/A
PLAT NO.: I-15-23
LD of any affected documents: 2203-01-0846
LD of any Cross-referenced documents: 2203-01-0628; 2203-01-0688
TYPE OF INTEREST: 4, 6, 43
SBE Parcel Number: N/A
(For Quitclaims, % being quitclaimed): N/A
Order # or PM #: 30929002
JCN: N/A
County: Alameda
Utility Notice Numbers: N/A
851 Approval Application No. N/A Decision N/A
Prepared By: CAY7
Checked By: KJFC
Revision Number: 3

Zone 7 Lake I
Parcel No. 70183
Map Reference No. RF 10132

State of California

County of _____)

On _____, before me, _____,

Here insert name and title of the officer

personally appeared _____

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

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

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

☐ Individual(s) signing for oneself/themselves

☐ Corporate Officer(s) of the above named corporation(s)

☐ Trustee(s) of the above named Trust(s)

☐ Partner(s) of the above named Partnership(s)

☐ Attorney(s)-in-Fact of the above named Principal(s)

☐ Other _____

APN: 946-1250-41 (Por.)
APN: 946-1250-6-5 (Por.)

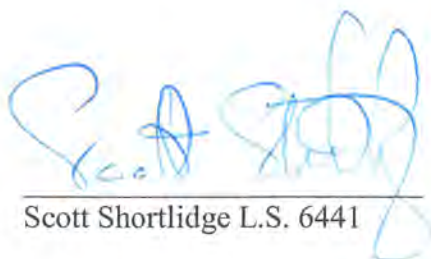
Land Description of a parcel of land situate in the City of Pleasanton, Alameda County, California, and being a portion of that 596.7 Acre Parcel of land described in Exhibit "A" within the Grant Deed to Alameda County Flood Control and Water Conversation District – Zone 7 recorded on June 27, 2003 under document number 2003-378544 in the Official Records of said County, and being more particularly described as follows:

Beginning at the northeast corner of Lot 5 as created by Subdivision Tract Map No. 8064 filed on July 08, 2011 in Book 313 of Maps, at Page 01 in the Official Records of said County; same corner being on a west line of the 596.7 ac parcel; Thence along said west line, North 01° 46' 53" West – 10.00 feet to an ell corner of the said 596.7 ac parcel; Thence leaving said west line of and crossing through the 596.7 ac parcel for the following three (3) courses: (1) North 89° 26' 55" East – 22.34 feet, (2) South 00° 38' 38" East – 123.08 feet, and (3) South 04° 20' 24" East – 216.18 feet to a point on the a southern line of the said 596.7 ac parcel; Thence along said southern line, South 89° 41' 49" West – 10.02 feet; Thence leaving said southern line and crossing through the 596.7 ac parcel for the following three (3) courses: (1) North 04° 20' 24" West – 215.84 feet, (2) North 00° 38' 38" West – 113.41 feet, and (3) South 89° 26' 55" West – 12.14 feet to the Point of Beginning.

A plat map Exhibit "B" is attached hereto and made a part hereof.

Containing 3,515 Square Feet of land area, more or less.

Prepared By:


Scott Shortlidge L.S. 6441




Date

LEGEND

P.O.B. POINT OF BEGINNING
SQ.FT. SQUARE FEET

(IN FEET)
1 inch = 60 ft.

APN: 946-1250-6-4

JOB NO.:
071010



EXHIBIT "C"

GRANT OF EASEMENT DISCLOSURE STATEMENT

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Gas and Electric Company (PG&E) to accommodate a utility service extension to PG&E's applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by PG&E to grant this easement.
- The granting of this easement is an accommodation to PG&E's applicant requesting the extension of PG&E utility facilities to the applicant's property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, PG&E is not authorized to purchase any such easement.
- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E's contractors perform this work on your property, if available, or granting permission to PG&E's applicant or the applicant's contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized PG&E's applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant's contractor, to work on your property. Upon completion of the applicant's installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Services Office
1850 Gateway Blvd., 7th Floor
Concord, CA 94520

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

☐ This is a conveyance where the consideration and
Value is less than \$100.00 (R&T 11911).

☐ Computed on Full Value of Property Conveyed, or

☐ Computed on Full Value Less Liens
& Encumbrances Remaining at Time of Sale

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD#

EASEMENT QUITCLAIM DEED

PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called PG&E, hereby quitclaims to ALAMEDA COUNTY FLOOD CONTROL AND CONSERVATION DISTRICT – ZONE 7, a California public entity, the real property, situate in the City of Pleasanton, County of Alameda, State of California, described as follows:

(APN 946-1250-041; 946-1250-006-05)

The easement and rights described in the deed from Hanson Aggregates Mid-Pacific, Inc., to PG&E dated May 18, 1999 and recorded as Document No. 99-370054, Alameda County records; insofar as said rights affect the land lying within a portion of the parcel described in Exhibit “A” of the deed to Alameda County Flood Control and Conservation District – Zone 7 dated June 27, 2003 and recorded as Document No. 2003-378544, Alameda County records; lying within the lands described in the deed from Kaiser Industries Corporation to Kaiser Sand & Gravel Company dated December 16, 1977 and recorded as Document No. 78-057621, Alameda County Records;

and easement and rights described in the deed from Hanson Aggregates Mid-Pacific, Inc., to PG&E dated May 18, 1999 and recorded as Document No. 99-370054, Alameda County records; insofar as said rights affect the land lying within the parcel of land described in the deed from The County of Alameda to Kaiser Sand & Gravel Company dated November 29, 1988 and recorded as Document No. 88-304477, Alameda County Records.

Approximate area to be quitclaimed: 7000 square feet.

The real property hereby quitclaimed is no longer necessary or useful to PG&E in the performance by it of its duties to the public.

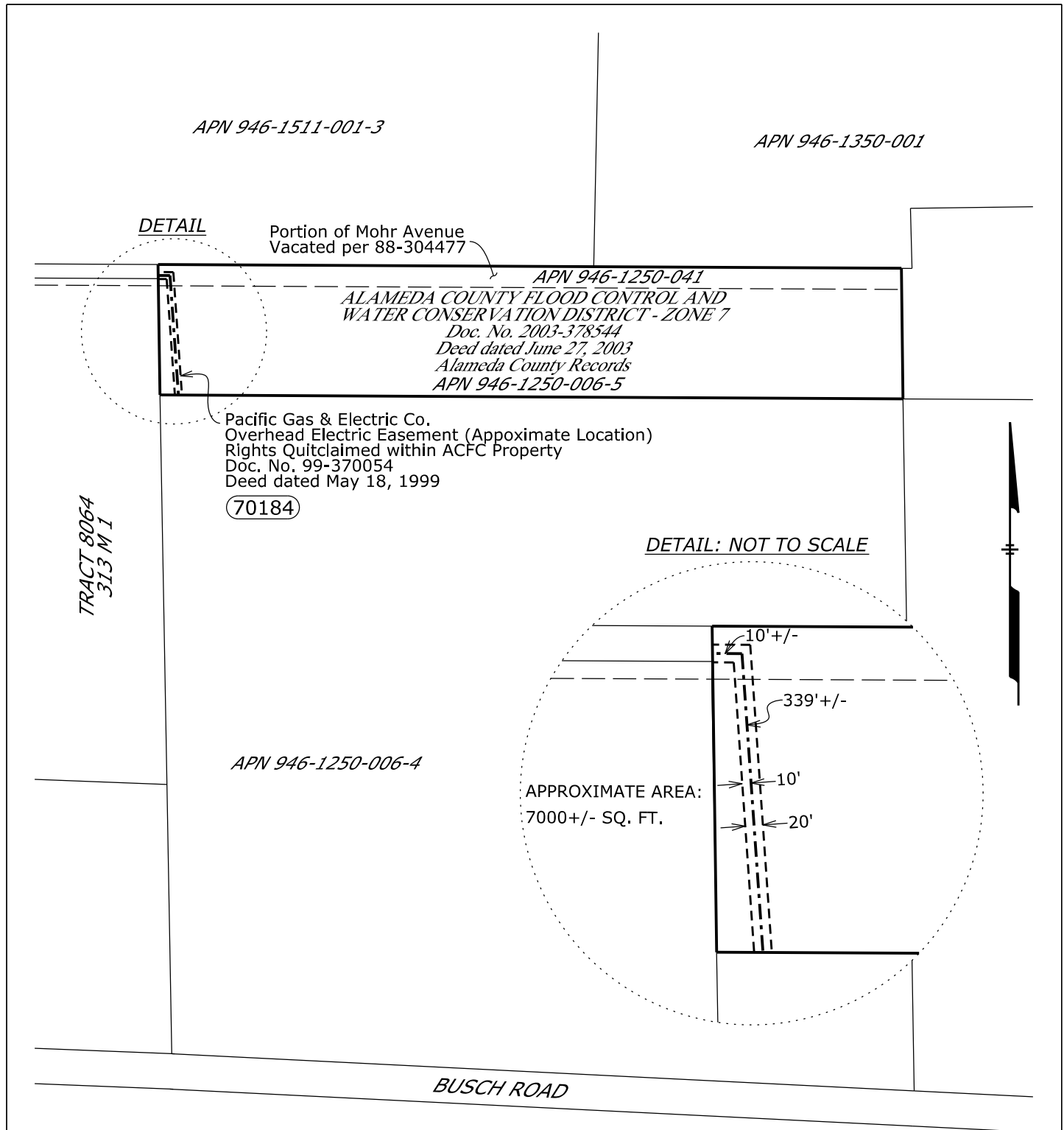
Dated _____, 20_____.

PACIFIC GAS AND ELECTRIC COMPANY,
a California corporation,

By _____
Kevin C. Gray, L.S.
Supervisor, Land Survey and
Engineering Support, North Coast

North Coast area, Mission Division
Land Service Office: Concord RMC
Operating Department: Electric Distribution
USGS location (MDB&M and T 3 S, R 1 E, Sec. 10, SW ¼ of SW ¼)
FERC License Number(s): N/A
PG&E Drawing Number(s): N/A
PLAT NO.: I-15-23
LD of any affected documents: 2203-01-0846
LD of any Cross-referenced documents: 2203-01-0628; 2203-01-0688
TYPE OF INTEREST: 11q, 43
SBE Parcel Number: N/A
(For Quitclaims, % being quitclaimed): N/A
Order # or PM #: 30929002
JCN: N/A
County: Alameda
Utility Notice Numbers: N/A
851 Approval Application No. N/A Decision N/A
Prepared By: CAY7
Checked By: KJFC
Revision Number: 1

Zone 7 Lake I
Parcel No. 70184
Map Reference No. RF 10133



UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG
BOUNDARIES OR LINES

Rancho Santa Rita

Applicant:

A.C.F.C PROPERTY QUITCLAIM

SCALE
1" = 400'

DATE
04/09/13

SECTION (SW 1/4 OF SW 1/4) (Sec. 10)	TOWNSHIP (T 3 S)	RANGE (R 1 E)	MERIDIAN (MDB&M)	COUNTY OF: ALAMEDA	CITY OF: PLEASANTON
PLAT MAP REFERENCES	I-15-23 313 M 1			F.B.: N/A DR.BY: CAY7	CH.BY: KJFC
				PG&E MISSION DIVISION	30929002 AUTHORIZ
					30929002 DRAWING NO.

RF 10133



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Administrative Services
CONTACT: Tom Hughes

AGENDA DATE: April 17, 2013

ITEM NO. **6a**

SUBJECT: Employee of the Month Recognition

SUMMARY:

The Employee Recognition Program Nomination Committee met in March and selected the Employee of the Month for February 2013 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.

Sal Segura, Associate Civil Engineer in the Facilities Engineering Section has been chosen from among those nominated as the February 2013 Employee of the Month. He is based at the North Canyons office and reports to Rhett Alzona, Senior Engineer.

Sal was recommended to the committee as an integral part of the Agency, with responsibility of water operations planning. Given this, Sal has gained extensive working knowledge of both water supply contracts and untreated water contracts. On a regular basis, Sal projects available water supplies and plans how to optimize available water to meet water deliveries and manage our water storage reserves. Sal also manages the agency's PG&E and alternative energy contracts and works to minimize energy usage at Zone 7 facilities which, in turn, saves Zone 7 money.

Due to his computer skills and knowledge of data sources, Sal often works with other sections in pursuing Agency goals. For example, he has worked with the Integrated Planning section in development of an Arroyo Valle Water Accounting Model. Sal shows his ability to both be persistent and adapt to change changing needs of the Agency. Finally, it was shared that Sal has volunteered and participated in the sediment transport collection for Flood Control. Sal has a positive attitude and is a team player. Sal is a valuable and appreciated part of our Agency.

The committee seconded the recommendation and recognized Sal Segura as a valuable employee and asset to Zone 7, with management approving the selection.

RECOMMENDED ACTION:

It is recommended that the Zone 7 Board of Directors recognize and congratulate Sal Segura as February 2013 Employee of the Month.



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Integrated Planning

CONTACT: Amparo Flores/Colleen Winey/Carol Mahoney

AGENDA DATE: April 17, 2013

ITEM NO. 7

SUBJECT: Chain of Lakes Interim Operations Plan

SUMMARY:

- In August 2006, the Zone 7 Board adopted the Stream Management Master Plan which includes integrated water resource management and operation of the Chain of Lakes.
- In the *Zone 7 Water Agency Strategic Planning Priorities* document approved by the Board in October 2012, continued planning for implementation and operation of the Chain of Lakes (COL) is listed as a strategic planning priority under both water supply and flood protection.
- Lake I and Cope Lake have been owned and managed by Zone 7 for several years now.
- However, there is a need to develop and communicate a more formal operations plan for Cope Lake and Lakes H and I because the City of Pleasanton is currently developing the East Pleasanton Specific Plan (EPSP), which covers an area that largely consists of these three lakes and, if implemented, will change access and uses of immediately-adjacent property.
- Zone 7 is a member of the EPSP Task Force, which was created to assist with the development of the EPSP, and has been providing input to the City of Pleasanton and other Task Force members since August 2012. Pleasanton's goal is to produce the Draft EPSP and associated Draft Environmental Impact Report (EIR) by the end of 2013.
- With the development and adoption of a COL Interim Operations Plan, Zone 7 will be better prepared to respond to land use alternatives being considered by the EPSP Task Force and ensure that Zone 7's integrated water resource management requirements are being considered in the development of the EPSP.
- Zone 7 staff have been developing a methodology to provide an objective, systematic, and transparent means of evaluating potential operational uses for the COL in order to complete the Draft COL Interim Operations Plan by June 2013.
- The EPSP and a process for developing an Interim COL Operations Plan were discussed with the Water Resources Committee on February 5 and March 26, 2013. The Committee asked staff to share this information with the Board.
- Staff will be giving a presentation on the EPSP and tools for developing a COL Interim Operations Plan, requesting direction from the Board.

FUNDING:

No funding requested at this time.

RECOMMENDED ACTION:

For discussion only.

ATTACHMENT:

Memorandum providing additional background information

Interoffice Memo

Date: April 17, 2013
To: Jill Duerig, General Manager
From: Amparo Flores, Associate Engineer/Colleen Winey Assistant Geologist
Subject: Chain of Lakes - East Pleasanton Specific Plan and Interim Operations Planning

BACKGROUND:

In August 2006, the Zone 7 Water Agency (Zone 7) Board adopted the Stream Management Master Plan, which includes integrated water resource management and operation of the Chain of Lakes. The importance of the Chain of Lakes to Zone 7 is recognized in the *Zone 7 Water Agency Strategic Planning Priorities* document (approved by the Board in October 2012), which identifies the continued implementation and development of planning for the Chain of Lakes as a strategic planning priority under both water supply and flood protection. While Zone 7 staff have been planning for the Chain of Lakes for many years, there is a need to accelerate the development and communication of an interim operations plan for Lakes H, I, and Cope because the City of Pleasanton is currently developing a Specific Plan for East Pleasanton, an area that largely consists of these three lakes. **Figure 1** shows the boundaries of the East Pleasanton Specific Plan (EPSP).

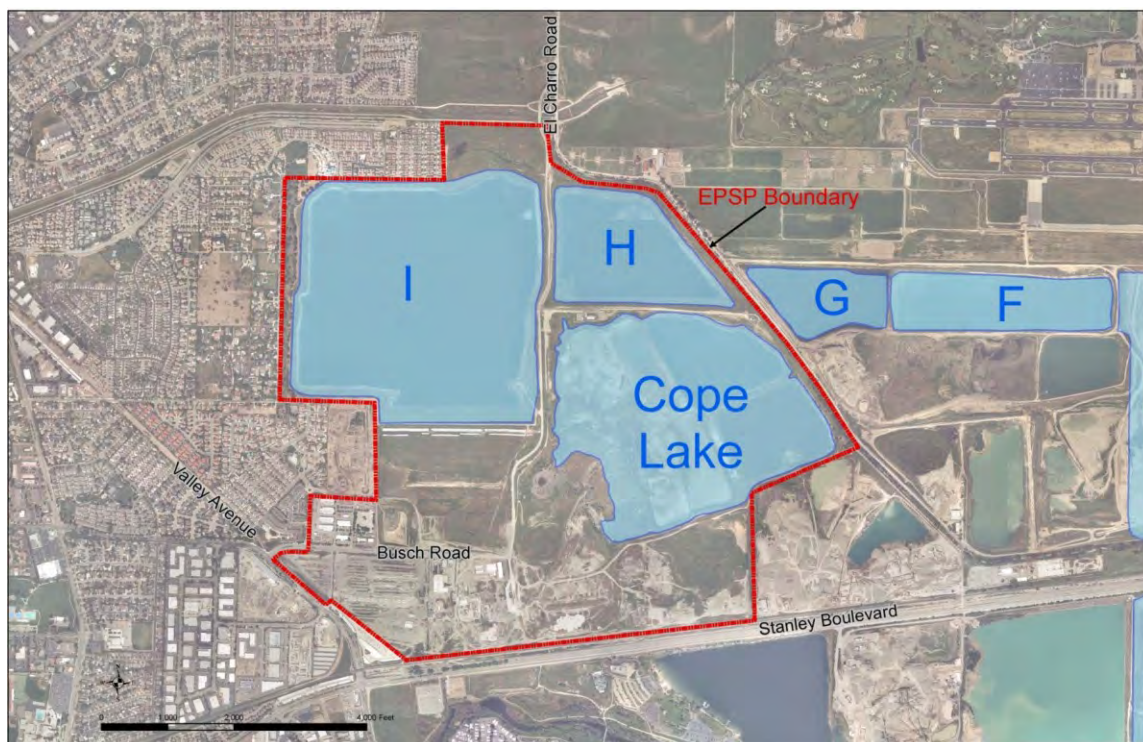


Figure 1. Area Covered by the East Pleasanton Specific Plan (EPSP).

With the development and adoption of a Chain of Lakes Interim Operations Plan (COL IOP), Zone 7 will be better prepared to respond to land use alternatives being considered by the EPSP Task Force and ensure that Zone 7 water management requirements are being considered in the development of the EPSP.

The following section will provide more information on the EPSP process and discuss Zone 7 staff's efforts on the development of the COL IOP. Staff is seeking the Board's input on the proposed methodology.

DISCUSSION:

A. Development of the East Pleasanton Specific Plan

The City of Pleasanton adopted their General Plan in 2009. Lakes H, I and Cope and a surrounding area of approximately 390 acres were not included in that plan. Planning for this area of Pleasanton is being covered under the East Pleasanton Specific Plan (EPSP). The City of Pleasanton has formed a Task Force to assist in this planning effort. The task force consists of property owners, City Commissioners, neighborhood representatives, and At-Large-Representatives, and operates under the guidance of City of Pleasanton Planning Staff and their consultants.

The EPSP Task Force began monthly meetings in August 2012. Preliminary Studies of the EPSP area have been conducted and presented to the Task Force by the City of Pleasanton's consultants to provide general background information. In addition, studies have been conducted to evaluate opportunities and constraints, traffic, environmental conditions, and market assessment to determine economic feasibility of certain types of development. A community workshop was held in September to solicit input from the public on the character they would like to see for the area and any particular land uses they would or would not like to see in the area.

In March 2013, to further the discussion of land use for the EPSP area, the City of Pleasanton's consultant developed three alternatives for development of the EPSP area based on input received from the Task Force and the public. In each of the alternatives, most of the development is shown in the southern portion of the EPSP area. In all three of the proposed alternatives, Zone 7 property is shown as either water or "open space", a park is shown encroaching into Zone 7's property at the southwestern portion of Cope Lake, and the property owned by Lionstone adjacent to Zone 7's supply well COL No. 1 (between Lakes H and Cope) is shown as a "Destination Use". The term "Destination Use" is defined as "commercial or public facilities that are specifically suited for the lakefront site on which the designation is shown, for example a restaurant, retreat, conference facility, interpretive center, etc."

Zone 7 staff took the opportunity at the March EPSP Task Force meeting to remind the Task Force members of Zone 7's current and future facilities and operations at Lakes H, I, and Cope. Staff also reiterated that any public access to Zone 7 property would require an agreement approved by Zone 7's Board of Directors with a partnering agency (such as the City of Pleasanton or the East Bay Regional Parks District), in which the agency would take on the cost of maintenance, liability, and operation of any public access.

The EPSP Task Force will continue to meet monthly working toward meeting the City of Pleasanton's goal of producing the Draft EPSP and Draft Environmental Impact Report (EIR) by the end of 2013.

All reports are available on the EPSP website at
<http://www.ci.pleasanton.ca.us/business/planning/eastpleasanton/eastpleasanton.html>

B. Chain of Lakes Interim Operations Plan

Staff met with the Water Resources Committee (WRC) on February 5, 2013 and on March 26, 2013 to discuss staff's approach to the development of the Chain of Lakes Interim Operations Plan (COL IOP), formerly called the Chain of Lakes Mini-Master Plan. The method presented below incorporates comments from the WRC, as well as from retailer staff present at the WRC meetings. A key goal for the methodology is to provide an objective, systematic, and transparent means of evaluating potential uses for the Chain of Lakes. The evaluation is intended to consider the suitability of each lake for each of the potential uses.

Potential Integrated Water Resource Uses for the Lakes

Based on data collected from Zone 7 staff meetings, technical documents prepared by staff and consultants, public meetings, and input from retailers over the years, staff developed a list of potential integrated water resource uses for the COL. These uses, which are listed and described in **Table 1**, will be the subject of the COL IOP; uses that are primarily associated with land use—such as those being discussed in the EPSP efforts—are not part of this list and are being considered separately. As noted in the Specific Plan for the Livermore-Amador Valley Quarry Area Reclamation (commonly referred to as LAVQAR), which was adopted by the Alameda County Board of Supervisors in November 1981, Zone 7 will own and be responsible for the water areas of the COL area.

The uses are categorized into the management of various water types (flood/stormwater, surface water, groundwater, and recycled water), habitat, recreation and others yet to be developed (such as fish hatcheries).

Table 1. Potential Integrated Water Resource Uses of the Lakes (Draft)

POTENTIAL USE		DESCRIPTION
Stormwater Management		
STRM-STOR	Flood/stormwater detention	Capture of stormwater and/or flood water (e.g., from a 100-year flood event).
STRM-WET	Treatment wetlands for stormwater runoff	Treatment of stormwater with constructed wetlands prior to discharge.
Groundwater Management		
GWR-RCHG	Groundwater recharge	Recharge of the Main Basin with surface water from Arroyo Del Valle diversions, SWP water, or other sources.
Surface Water Management		
SURF-STOR	Water supply storage	Storage of surface water for later delivery to the treatment plants.
SURF-CONV	Conveyance of water	Conveyance of water for storage, recharge, or lake maintenance.
Recycled Water Management		
RW-STOR	Recycled water storage*	Seasonal storage of recycled water for use during the irrigation season.
RW-WET	Treatment wetlands for recycled water	Treatment of recycled water with constructed wetlands after storage.
Habitat		
HAB-WET	Wetlands habitat	Constructed wetlands designed to enhance habitat.
HAB-UPLD	Upland habitat	Enhanced habitat along the arroyos.
Recreation		
REC-ACT	Active recreation	Recreational activities that could have a greater impact on the environment, or may involve some type of body contact with water, such as swimming, kayaking, etc.
REC-PAS	Passive recreation	Recreational activities that generally have a lower impact such as trails, bird-watching, etc.
Others		
AQUA	Aquaculture	Farming of fish or aquatic plants.
HATCH	Hatcheries	Breeding and hatching of fish for eventual release into the wild to enhance natural populations.

*April 20, 2004 Memorandum of Understanding between DSRSD and Zone 7 for seasonal storage of up to 900 AF of wastewater and 1,200 AF of recycled water.

Proposed Use Evaluation Methodology

To evaluate the suitability of the COL, and particularly individual lakes, for specific uses, staff developed a *preliminary* list of screening criteria as presented in **Table 2**. These criteria are related to physical features of the lakes, water management issues, financial/economic considerations, environmental impacts, and issues that affect the community directly. The criteria may be revised as the analysis proceeds to ensure that they are sufficiently capturing all the relevant issues.

Table 2. Preliminary Screening Criteria

PHYSICAL FEATURES	ENVIRONMENTAL
Available storage capacity	Species/habitat impacts
Geotechnical stability	Environmental mitigation potential
Lake slopes and other surface features	Enhancement potential
WATER MANAGEMENT	COMMUNITY
Groundwater connectivity	Local aesthetic impacts
Stormwater connectivity	Public education benefits
Water quality	Public safety/liability
FINANCIAL/ECONOMIC	
Infrastructure costs	
Operation and maintenance costs	
Other funding sources	

Staff is currently collecting various information to support the evaluation of the screening criteria, including potential benefits, constraints, and other issues that need to be considered for each use. For example, staff is reviewing completed and ongoing modeling efforts to determine the required storage capacities for the different uses (e.g., recycled water storage) so that they can be compared against the projected volumes of the different lakes.

Using the screening criteria, staff plans to apply a scorecard approach to have a quantitative means of comparing the suitability of the various uses for the individual lakes. Currently, the scores range from 0 to 5, with high scores being good and lower scores not as good. For example, in the case of groundwater connectivity, 5 would mean the connectivity is suitable for the use (e.g., high connectivity to the Main Basin suitable for groundwater recharge) and 0 being incompatible for the use (e.g., high connectivity to the Main Basin unsuitable for recycled water storage). The proposed scoring guideline is shown in **Table 3**.

Scorecards would be developed for each use, with scores provided for each lake and for each screening criterion. **Table 4** presents an example of how the scorecards would be completed for flood/stormwater detention. As shown, the scores for each lake can then be tallied and the totals compared, allowing for a ranking of the suitability of the lakes for flood/stormwater detention. Scorecards would similarly be developed for other suggested/requested uses. This effort would ultimately provide some guidance on determining which lakes would be good to use for what purpose.

Table 3. Proposed Scoring Guideline

PHYSICAL FEATURES	
Available storage capacity	5 = optimal volume (capacity app. equal to need) 3 = capacity can be used 0 = too large (wasted capacity) or too small
Geotechnical stability	5 = slopes in good/stable condition, steepness appropriate for use 3 = slopes will need some modest modifications 0 = slopes unsuitable and too costly to modify
Lake configuration	5 = compatible 3 = can be modified for use at modest cost 0 = incompatible
WATER MANAGEMENT	
Groundwater connectivity	5 = connectivity suitable for use 3 = requires modifications (e.g., lining) before use or periodic maintenance 0 = incompatible with use
Stormwater connectivity	5 = connectivity suitable for use 3 = may require some modifications 0 = incompatible with use
Water quality	5 = no significant impacts/concerns 3 = modest impacts/concerns 0 = adverse impacts/concerns
FINANCIAL/ECONOMIC	
Infrastructure costs	5 = modest costs expected 3 = significant costs 0 = likely cost-prohibitive/infeasible
Operation and maintenance costs	5 = modest costs expected 3 = significant costs 0 = likely cost-prohibitive/infeasible
Other funding sources	5 = funded by other entities 3 = potential for shared funding 0 = funded completely by Zone 7
ENVIRONMENTAL	
Species/habitat impacts	5 = minimal or no impacts or easily mitigated 3 = modest impacts, can be mitigated 0 = adverse impacts
Environmental mitigation potential	5 = eligible for large mitigation credits 3 = eligible for modest mitigation credits 0 = not eligible for credits
Enhancement potential	5 = high enhancement potential 3 = modest enhancement potential 0 = no enhancement potential
COMMUNITY	
Local aesthetic impacts	5 = no adverse impacts or impacts easily mitigated 3 = modest impacts, can be mitigated 0 = adverse impacts
Public education benefits	5 = significant benefits 3 = modest benefits 0 = no benefits
Public safety/liability	5 = no adverse impacts or impacts easily mitigated 3 = modest impacts, can be mitigated 0 = adverse impacts

Table 4. Example Scorecard for Flood/Stormwater Detention

FLOOD/STORMWATER DETENTION SCORECARD										
SCREENING CRITERIA	Cope	I	H	G	F	E	D	C	B	A
PHYSICAL FEATURES										
Available storage capacity	5	0	5							
Geotechnical stability	4	3	3							
Lake configuration	5	1	5							
WATER MANAGEMENT										
Groundwater connectivity	5	0	4							
Stormwater connectivity	4	4	5							
Water quality	4	4	4							
FINANCIAL/ECONOMIC										
Infrastructure costs	4	2	4							
O&M costs	4	0	4							
Shared funding	0	0	0							
ENVIRONMENTAL										
Species/habitat impacts	3	3	3							
Environmental mitigation pot.	0	0	0							
Enhancement potential	1	1	1							
COMMUNITY										
Local aesthetic impacts	3	3	3							
Public education benefits	0	0	0							
Public safety/liability	3	3	3							
TOTALS	45	24	44							

The results from the scorecards can be shown graphically as illustrated in **Table 5**. Based on the total scores, we could designate a lake as being suitable, potentially suitable, or not suitable for certain activities. Combined with other considerations, this will guide staff in the development of the COL IOP.

Table 5. Example Summary of Lake Suitability for Various Uses

SUGGESTED/REQUESTED USES		LAKES									
		Cope	I	H	G	F	E	D	C	B	A
Stormwater Management											
STRM-STOR	Flood/stormwater detention	●	⊗	●							
STRM-WET	Treatment wetlands for stormwater runoff	○	⊗	○							
Groundwater Management											
GWR-RCHG	Groundwater recharge	⊗	●	●							
Surface Water Management											
SURF-STOR	Water supply storage	●	●	●							
SURF-CONV	Conveyance for water supply	○	N/A	●							
Recycled Water Management											
RW-STOR	Recycled water storage	○	⊗	⊗							
RW-WET	Treatment wetlands for recycled water	○	⊗	⊗							
Habitat											
HAB-WET	Wetlands habitat	●	⊗	○							
HAB-UPLD	Upland habitat	●	○	○							
Recreation											
REC-ACT	Active recreation	○	⊗	⊗							
REC-PAS	Passive recreation	●	○	○							
Others											
AQUA	Aquaculture	○	⊗	⊗							
HATCH	Hatcheries	○	⊗	⊗							

⊗ Not suitable. ○ Potentially suitable for certain activities.
 ○ Potentially suitable. ● Suitable.

Another important element in the development of the COL IOP is the compatibility of the various uses that are under consideration. In order to maximize the public benefits from the Chain of Lakes, multiple beneficial uses of each lake will be accommodated to the extent that doing so would be protective of water quality, public health, safety, etc. **Table 6** shows which uses could be considered incompatible, potentially compatible, and compatible. For example,

recycled water storage would be considered incompatible with groundwater recharge due to potential negative water quality impacts while passive recreation uses (e.g., bird-watching) would fit well with the construction of wetland habitats.

C. Next Steps and Schedule

After receiving input from the Board, staff plans to make revisions to the methodology then apply the methodology to the analysis of the lakes and the development of the COL IOP. Staff will work with the retailers to finalize the list of screening criteria and to receive feedback on other elements of the COL IOP. Staff will continue to gather the relevant data for the evaluation of the screening criteria, including any modeling results from the update of the Stream Management Master Plan and water supply evaluation, and perform the use suitability analysis. Staff will also continue to coordinate with Alameda County and quarry operators/mine owners to ensure that the COL IOP incorporates the most recent plans for the Chain of Lakes. The Preliminary Draft COL IOP will be presented to the Water Resources Committee as early as May 2013, with the Draft COL IOP presented to the Board in June 2013 for approval. Staff will continue to attend the EPSP Task Force meetings, monitor land use proposals being put forward, and provide Zone 7 input. Upon adoption of the COL IOP, that document will serve as the basis for Zone 7's formal comments on the Draft EPSP. The proposed schedule is shown in **Figure 2**.

2013											
ACTIVITY/DELIVERABLE	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Resources Committee Meeting											
Board Meeting											
Retailer Workshop											
Preliminary Draft COL IOP											
Draft COL IOP and Potential Adoption											
EPSP Task Force Meetings											
Draft EPSP and Draft EIR											

Figure 2. Proposed Schedule for the Development of the COL IOP

Table 6. DRAFT Use Compatibility Table

	STRM-STOR	STRM-WET	GWR-RCHG	SURF-STOR	SURF-CONV	RW-STOR	RW-WET	HAB-WET	HAB-UPLD	REC-ACT	REC-PAS	AQUA	HATCH
STRM-STOR													
STRM-WET	✓												
GWR-RCHG	○	○											
SURF-STOR	○	○	○										
SURF-CONV	○	○	○	○									
RW-STOR	✗	✗	✗	✗	✗								
RW-WET	✗	✗	✗	✗	✗	✓							
HAB-WET	✓	✓	○	○	○	○	✓						
HAB-UPLD	✓	✗	✓	✓	✓	✓	✗	✗					
REC-ACT	○	○	○	○	○	✗	✗	✗	✗				
REC-PAS	✓	✓	○	○	○	○	✓	✓	✓	✓			
AQUA	○	✓	○	○	○	✗	✗	✓	✓	○	✓		
HATCH	○	✓	✗	✗	✗	✗	○	✓	✓	○	✓	○	



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING DIVISION: Administrative Services
CONTACT PERSON: Tom Hughes

AGENDA DATE: April 17, 2013

ITEM NO. 8

SUBJECT: Interim Reserve Policy

SUMMARY:

- Zone 7 Water Agency adopted a Financial Framework on November 16, 2011 to assure the prudent management of its funds. One of the Framework's primary goals is to ensure the Agency's ability to respond to changes in the economic environment and service demands with minimal impact on its customers while maintaining the financial integrity of the Agency.
- Last year the Zone 7 Board directed staff to review and possibly revise the Reserve Policy to incorporate additional financial policies and procedures that meet the intent of the Board to ensure its mission by providing financial health and stability to the Agency.
- On October 18, 2012, a draft revised policy was presented to the Board but continued for further discussion. Staff held meetings with both the Hacienda Owners Association and the Retailers to share plans and solicit feedback.
- On April 8, 2013, Staff presented a draft Interim Reserve Policy to the Zone 7 Finance Committee, which included input from the Agency's customers. The committee directed Staff to move the Interim Reserve Policy forward to the full Board at its next meeting of April 17, 2013.

FUNDING:

N/A

RECOMMENDED ACTION:

Adopt the attached resolution approving the Interim Reserve Policy.

ATTACHMENT:

- Zone 7 Memorandum to Board
- Zone 7 Reserve Policy
- Zone 7 Financial Management Framework and Board Resolution
- Draft Interim Reserve Policy
- Overview of Interim Reserve Policy
- Board Resolution

Interoffice Memo

DATE: April 17, 2013
TO: Jill Duerig, General Manager
FROM: Tom Hughes, Assistant General Manager
SUBJECT: **Draft Interim Reserve Policy**

SUMMARY/BACKGROUND:

The Zone 7 Board of Directors adopted a Reserve Policy in February 2005 that set forth the principles to be followed in creating and maintaining reasonably prudent reserves for conducting the Agency's business (Attachment A).

On November 16, 2011, the Zone 7 Board adopted a Financial Management Framework (Attachment B), which includes planning for current operating and capital resources needed to ensure it will achieve the mission of providing for the financial health and stability of the Agency. One of the Framework's primary goals is to ensure the Agency's ability to respond to changes in the economic environment and service demands with minimal impact on its customers while maintaining the financial integrity of the Agency.

DISCUSSION:

Last year the Zone 7 Board directed staff to review the Reserve Policy in order to determine if the policy could be improved to better define appropriate procedures and constraints for which the Agency would manage reserve funds. A first draft of a revised policy was developed and staff made a public presentation on the draft policy to Director Ramirez Holmes, a member of the Finance Committee on October 9, 2012. An agenda item requesting adoption of the revised policy was prepared for the October 18, 2012 Board meeting. However, the item was continued at the request of the City of Pleasanton and Hacienda Owners Association to facilitate further discussions. Staff subsequently met with representatives from Pleasanton and Hacienda Owners Association to address their concerns.

In February 2013, staff secured the assistance of a highly regarded financial consulting firm, Fieldman, Rolapp & Associates, to help develop an Interim Reserve policy. A review of the current policy was commenced with a focus on the minimum and maximum limits attributed to each reserve.

This allowed a broader scale of analysis to occur which delivered a narrow set of commonly exercised best practices from among industry peers which could be adopted and utilized within Zone 7.

In mid-March 2013, Staff provided the Retailers with an early draft of the Interim Reserve Policy and on March 27, 2013, met jointly with the financial consultant and the Retailers to discuss their comments and questions. The Retailer group provided useful comments, observations and a sense of general support for the draft Interim Reserve Policy. Several changes were made based on external and internal feedback.

The draft Interim Reserve Policy is a straight-forward, clearly laid-out, and easier to administer reserve policy document. The draft Interim Reserve Policy designates ten specific Reserves, allocated across six funds. Full descriptions and definitions are provided in the accompanying document (Attachment C). The following is a listing of those designations.

- 1. Water Enterprise (Fund 52)**
 - a. Operating Reserve
 - b. Emergency Reserve
 - c. Drought Contingency Reserve
 - d. Rate Stabilization
- 2. Capital Improvement, Renewal & Replacement and System –Wide Improvements Reserve (Fund 72)**
- 3. Capital Expansion Reserve (Fund 73)**
- 4. Flood Control (Fund 50)**
 - a. Operating Reserve
 - b. Capital Project Reserve
- 5. Capital Flood Protection and Storm Water Drainage Development Impact Fee Project Reserve (Fund 76)**
- 6. State Water Facilities (Fund 51)**
 - a. Operating Reserve

On April 8, 2013 Staff provided an overview of the draft Interim Reserve Policy to the Zone 7 Finance Committee. The committee reviewed, discussed the policy documents and provided suggestions including the creation of an overview document with specific guidelines depicted in a numeric fashion (Attachment D). The committee provided Staff direction to move the Interim Reserve Policy to the full Board for consideration and approval at its regularly scheduled meeting on April 17, 2013.

ATTACHMENT A

ZONE 7 WATER AGENCY

RESERVE POLICY

Adopted by the Zone 7 Board on February 16, 2005

Zone 7 Water Agency Reserve Fund Policy

Policy Statement

Zone 7 of the Alameda County Flood Control and Water Conservation District has adopted a Financial Management Policy which includes planning for current operating and capital resource needs to ensure it can achieve its mission by providing for financial stability and health of the Agency. Among the stated goals is to be able to respond to changes in the economic environment and service demands with minimal impact on its customers while maintaining the financial integrity of the Agency.

Key elements of prudent financial planning include ensuring sufficient funding is available for current operating, capital and debt service costs; anticipating and preparing for future funding needs; and allowing for unforeseen disasters and other unforeseen events.

Zone 7 will maintain reserve funds to ensure it can fund emergency expenses; cash flow requirements; capital improvement plans and future operating requirements while avoiding significant rate fluctuations due to changes funding needs. It will also maintain a cash reserve position that may be utilized to fund unexpected fluctuations in revenue and operating/capital expenditures. Staff will review the amount of reserves recommended each year with the Board of Directors at the presentation of the annual Agency budget.

Definitions

- Restricted Reserves: Restrictions imposed by an outside source. May be required by bond covenants in the case of debt issuance.
- Designated Reserves: Set aside for a specific purpose determined by the Board of Directors. The Board of Directors has the authority to redirect the use of these funds as needs of the Agency change.
- Unrestricted Reserves: Have no imposed restrictions as to their use.

Designated Reserve Funds

- Emergency/Operating Reserves: Designated by the Board of Directors to provide for emergencies and cash flow requirements. The amount of these reserves is determined by the fund to which they apply. The water enterprise is maintained at 20% of operating expenses; flood control estimated at flood repair cash flow needs; and the State Water Project at 50% of revenue.
- Rate Stabilization: Designated by the Board of Directors to provide funds in the case of an unforeseen event such as a natural disaster, water shortage or other catastrophic event. Use of these funds is approved by the Board of Directors.
- Designated Reserve: Designated by the Board of Directors to provide for increases in operating expenses in excess of the target established by the Board. The Board authorizes use of these funds.

- Capital Projects and Contingencies Reserve: These reserves are earmarked by the Board of Directors for capital improvements to meet regulatory requirements, system reliability and future demand. These capital improvements are included in the 10 year Capital Improvement Program and the Asset Management Program both of which are reviewed by the Board of Directors each fiscal year. These reserves are also used to fund unanticipated capital projects. Use of these funds is approved by the Board of Directors.

ATTACHMENT B

ZONE 7 WATER AGENCY

FINANCIAL MANAGEMENT FRAMEWORK

Adopted by the Zone 7 Board on November 16, 2011

Financial Management Framework

1. Purpose

To direct staff to prudently manage Zone 7's funds and to maintain financial and accounting records of all transactions in accordance with generally accepted accounting principles.

To adequately plan for the funding of current and future operational requirements and capital resources necessary to achieve the Agency's mission.

To provide staff with a framework to develop policies and procedures to ensure Zone 7's mission by providing financial health and stability to the Agency.

To direct staff that the assessment, levy and collection of taxes, the adoption of the Agency budget, and the appropriation, accounting, and transfer of funds shall be governed by general law and in accordance with generally accepted accounting principles and practices.

2. Administration of the system

In keeping with Resolution No. 09-3266, which states that "The Agency's General Manager has full charge and control of the day-to-day management, operation and administration of the Agency," the General Manager shall retain primary jurisdiction, responsibility, and authority for all matters pertaining to the day-to-day financial management of the Agency. To direct, control, supervise, and manage the development, preparation, organization, administration, operation, implementation, and maintenance of a comprehensive financial management program for Zone 7 Water Agency, the General Manager shall be designated as the fiscal officer of the Agency.

The General Manager may delegate any of the powers and duties conferred upon him or her as fiscal officer to any other employee of the Agency or may recommend that such powers and duties or any part of them be performed under contract.

3. Security of the system

The General Manager shall cause an audit of the financial transactions and records of the Agency to be made at least annually by a third party certified public accountant (i.e., one not employed by the Agency). As soon as possible at the end of each fiscal year a final audit and report shall be completed and submitted to the Board of Directors. Copies shall be placed on file in the office of the General Manager and be available for public inspection.

The General Manager shall also prepare such additional reports as the Board of Directors may from time to time request for information and use in setting financial policies for the Agency.

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

RESOLUTION NO 11- 4137

INTRODUCED BY DIRECTOR QUIGLEY
SECONDED BY DIRECTOR GRECI

WHEREAS, Zone 7 Water Agency is pursuing separation from Alameda County and as one sequential step in the separation, an agency financial management framework should be developed to provide direction to Zone 7 in managing its finances.

WHEREAS, the purpose for the financial management framework is to direct Zone 7 staff to prudently manage the Agency's funds and to maintain financial and accounting records of all transactions in accordance with generally accepted accounting principles and practices.

NOW THEREFORE BE IT RESOLVED that this financial management framework directs the General Manager to retain primary jurisdiction, responsibility, and authority for all matters pertaining to the day-to-day financial management of the Agency.

BE IT FURTHER RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District does hereby adopt the attached Financial Management Framework.

ADOPTED BY THE FOLLOWING VOTE:

AYES: DIRECTORS FIGUERS, GRECI, MACHAEVICH, MOORE, PALMER, QUIGLEY

NOES: NONE

ABSENT: DIRECTOR 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 the Alameda County Flood Control and Water Conservation District on

November 16, 2011

By S. Figuer
President, Board of Directors

ATTACHMENT C
ZONE 7 WATER AGENCY
INTERIM RESERVE
POLICY

APRIL 2013

ZONE 7 WATER AGENCY INTERIM RESERVE POLICY

1. Policy Statement

As a part of its mission to provide a reliable supply of high-quality water and effective flood control in a fiscally-responsible way, the Agency is in the process of developing a comprehensive financial plan that will provide a strategy for the timely and cost-effective funding of operations, the capital improvement program and long term financial stability. In conjunction with the development of the aforementioned financial plan, this Interim Reserve Policy, including the methodology for establishing minimum and maximum levels, will be reviewed and re-evaluated to ensure the Agency's financial and fiscal soundness.

A key element of prudent financial planning is to ensure that sufficient funding is available for current operating, capital, and debt service needs. Additionally, fiscal responsibility requires anticipating the likelihood of, and preparing for, unforeseen events. Zone 7 Water Agency ("Zone 7", or the "Agency") will at all times strive to have sufficient funding available to meet its operating, capital, and debt service obligations. Reserve Funds ("Funds") will be accumulated, designated and maintained to allow Zone 7 to fund operating expenses and capital expenditures in a manner consistent with its budget and capital improvement plan, respectively, and avoid significant customer rate fluctuations due to changes in cash flow requirements. Further Zone 7 will endeavor to designate funds for all forms of potential disasters, emergencies and unforeseen events to ensure that funds are available to cover the costs associated therewith.

The Zone 7 Board of Directors (the "Board") adopted a Financial Management Framework (the "Framework") on November 16, 2011 (Resolution Number 4137) which includes planning for current operating and capital resource needs to ensure it can achieve its mission by providing for financial stability and health of the Agency. This Interim Reserve Policy has been developed in keeping with the Framework. One of the Framework's goals is to be able to respond to changes in the economic environment and service demands with minimal impact on its customers while maintaining the financial integrity of Zone 7. A fundamental purpose of this policy is to link what must be accomplished with the necessary resources to successfully do so.

The Policy directives outlined in this document are intended to ensure Zone 7 has sufficient funds to meet current and future needs. The Board shall designate specific funds and maintain minimum fund balances consistent with definitions and funding levels outlined in the Policy. The Board will annually review the level of Funds. For the purposes of compliance with this Policy, Zone 7 may use the amounts on deposit in each of the funds as of the final day of each fiscal year for such calculation.

2. **Definitions**

- **Restricted Reserves:** Restrictions imposed by an outside source. May be required by bond covenants in the case of debt issuance or by California's Mitigation Fee Act in the case of water connection fees or flood control's developer impact fees
- **Designated Reserves:** Set aside for a specific purpose determined by Zone 7's Board of Directors. The Board of Directors has the authority to redirect the use of these funds as needs of the Agency change.
- **Unrestricted Reserves:** Have no imposed restrictions as to their use.

3. **General Provisions**

Zone 7 will maintain its funds in separate accounts in a clearly identifiable manner that provides transparency to its ratepayers. This Policy establishes Reserve Funds for each of the following major funding areas.

- Water Enterprise
- Flood Control
- State Water Project

The minimum fund balances are established to:

- Comply with applicable statutory requirements
- Finance future capital facilities, finance improvements, and repair and replacement of existing assets
- Assure cash flow requirements are met
- Provide for economic uncertainties, local disasters, and other financial hardships or downturns in the local or national economy
- Provide for contingencies, emergencies or unforeseen operating or capital needs

To ensure reliable service to its ratepayers and maintain fiscal responsibility, in every fiscal year Zone 7 will maintain balances in its Reserve Funds that are financially prudent.

Segregation of Funds

The Agency will not transfer moneys between reserve funds that are established under different functions of the Agency. The Agency may complete interfund borrowing between reserves of different functions of the Agency. The Board shall approve any reallocation of funds or any transfers among Reserve Funds.

4. **Fund Target Levels and Policy Compliance Management**

Upon Board adoption of this policy, Zone 7 staff will take necessary actions to comply with this policy.

Fund balances will be reviewed on an annual basis at the end of the fiscal year based on unaudited/audited actuals to ensure compliance with this Policy

The minimum established for each Fund represents the target that is acceptable to Zone 7 from risk and long-range financial planning perspectives. Maintaining fund balances at appropriate levels is a prudent, ongoing business process that consists of an iterative, dynamic assessment and application of various revenue generating alternatives. These revenue-generating alternatives (either alone or in combination with each other) include, but are not limited to:

- fees and charges,
- energy usage,
- capital financing,
- investment of funds, and
- levels of capital expenditures.

I. WATER ENTERPRISE OPERATING RESERVE

The amounts in the Water Enterprise Operating Reserve should fluctuate depending on the annual operating expenses of Zone 7. The Water Enterprise Operating Reserve Fund is designated by the Board to maintain a reserve for current operations and to meet routine cash flow needs. Money on deposit in this fund may be used for unanticipated operating expenses, daily cash flow requirements and emergencies.

Minimum and Maximum Levels – Funding shall be targeted at a minimum amount equal to thirty-two (32) days of the Agency’s budgeted total operating expenses, and the maximum amount shall not exceed ninety (90) days of the total budgeted operating expenses. Zone 7 will strive to maintain a target balance amount between thirty-two (32) and ninety (90) days of the Agency’s budgeted total operating expenses.

Events or Conditions Prompting the Use of the Fund – This fund may be routinely utilized by staff to cover temporary cash flow deficiencies caused by timing differences between revenue and expenses and extraordinary decreases in revenues and unexpected increases in expenses.

Periodic Review Dates for Balances – Fund balances and target levels will be reviewed by staff, the Board and the public during the development and approval of each budget.

II. WATER ENTERPRISE EMERGENCY RESERVE

Funds in the Water Enterprise Emergency Reserve can be used for any operating or capital purpose (i) to begin repair of the water enterprise system after a catastrophic event, such as, but not limited to, an earthquake, fire, terrorist event, or storm while insurance claims are being processed or (ii) in the event of severe financial events that impact the financial soundness of Zone 7.

Minimum and Maximum Levels – Funding shall be targeted at a minimum equal to 1% of the capital assets of the Agency’s water enterprise system and a maximum of 3% of the capital assets of the enterprise system, based on current Federal Emergency Management Agency (FEMA) guidelines. Zone 7 will strive to maintain a target balance equal to 2% of the capital assets of the water enterprise system.

Events or Conditions Prompting the Use of the Fund – The Board may designate use of this fund after establishing that conditions exist as called out in the definition and purpose of the fund. Funds will be transferred to the appropriate capital or operating fund as necessary.

Periodic Review Dates for Balances – Fund balances and target level will be reviewed by staff, the Board and the public during the development and approval of each budget.

III. WATER ENTERPRISE DROUGHT CONTINGENCY RESERVE

The Water Enterprise Drought Contingency Reserve, formerly called the “Rate Stabilization Reserve,” supplements losses to water sales revenue resulting from impacts of drought conditions due to regulatory or State and Federal mandated reductions in supply, or an unforeseen event such as a natural disaster, water shortage or other catastrophic event.

Minimum and Maximum Levels – Zone 7 will strive to maintain a minimum target balance equal to seven percent (7%) of the budgeted amount of water sales revenue and a maximum target amount equal to 20% of the budgeted amount of water sales revenue.

Events or Conditions Prompting the Use of the Fund – Funds may be utilized by staff to cover operating expenses when revenue does not cover the cost of providing services (operating expenses and Asset Management Program transfer) due to losses resulting from the aforementioned conditions.

Periodic Review Dates for Balances – Fund balances and the need for funding drought contingency measures will be reviewed by staff, the Board, and the public during the development and approval of each budget. Additionally, the need for funding drought contingency measures may be reviewed at any time during the course of any fiscal year should the need arise.

IV. WATER ENTERPRISE RATE STABILIZATION RESERVE

The Rate Stabilization Reserve is a new reserve that will serve as a means to temper the need for significant water rate increases. Ongoing water rate increases are projected to meet the cost of service. In order to offset significant increases in water rates, the rate stabilization reserve will be established. The reserve will accumulate revenues for use during periods of unanticipated fluctuations in treated water rate revenues and cost of service.

Minimum and Maximum Levels – The Agency will maintain a minimum target level equal to six percent (6%) of the budgeted amount of water sales revenue.

Events or Conditions Prompting the Use of the Fund – This reserve will be drawn down to smooth rate increases as authorized by the Board during the rate-setting and/or budget process. The Agency will strive for an initial target balance of \$6.8 million. To determine whether and in what amount money from this reserve should be used to offset any proposed water rate increase in excess of 2 times the CPI for the San Francisco Bay Area, Zone 7 will consider and analyze the following factors:

1. the annual CPI for the San Francisco Bay Area;
2. the annual increase in construction costs as provided by the Engineering New Record or alternative source for such data;
3. the projected rate increases for the next succeeding five fiscal years of the Agency;
4. the actual rate increases for the previous five fiscal years of the Agency;
5. the projected capital expenditures for the next succeeding five fiscal years of the Agency;
6. the funds on hand to spend on capital projects over the next succeeding five fiscal years of the Agency; and
7. the amounts on deposit in each of the other Reserve Funds covered under this policy.

Periodic Review Dates for Balances – Fund balances and target level will be reviewed by staff, the Board, and the public during the development and approval of each budget.

V. WATER ENTERPRISE CAPITAL IMPROVEMENT, RENEWAL & REPLACEMENT AND SYSTEM-WIDE IMPROVEMENTS RESERVE

The Agency employs a pay-as-you-go funding strategy to minimize debt borrowing and interest expenses, therefore capital reserve funds are accumulated to provide for current and future funding needs of the various capital programs. The amount on deposit in the Water Enterprise Capital Improvement, Renewal & Replacement and System-Wide Improvements Reserve is earmarked by the Board of Directors for capital projects to meet regulatory requirements, replacement needs and system reliability of Zone 7's water enterprise. These capital projects are included in the

- 10-year Water System Capital Improvement Program; and
 - the Asset Management Program (AMP),
- both of which are reviewed and approved by the Board of Directors periodically.

Within this fund is a separate reserve to be used for a portion of the acquisition of the Agency's administrative-engineering building (the "Building Sinking Fund"). Contributions are made to the Water Enterprise Capital Improvement, Renewal & Replacement and System-Wide Improvement Sinking Fund at the discretion of the Agency and money therein is designated for the purpose of acquiring the Agency's future administrative-engineering building. At such time that the administrative-engineering building is acquired by Zone 7, the Building Sinking Fund may be closed at the discretion of the Agency. The Capital Improvement, Renewal & Replacement System-Wide Improvements Reserve funds capital improvement projects and assets, and the renewal or replacement of capitalized assets as they reach the end of their useful lives.

Minimum and Maximum Levels – Funding for the Water Enterprise Capital Improvement, Renewal & Replacement and System-Wide Improvement Reserve shall be targeted at a minimum amount equal to 100% of the estimated capital budget for the fiscal year immediately succeeding the then-current budgeted fiscal year, plus 50% of the estimated capital budget for the fiscal year two years subsequent to the then current budgeted fiscal year. Zone 7 will not have a maximum target for this fund, but rather the fund shall accumulate sufficient reserves to pay for future projects set forth in the AMP and the reserve balance shall be consistent with the reserve balances forecast in the most recent asset management plan and the current capital improvement plan. Funds on deposit in the Building Sinking Fund shall not be considered in connection with the calculation of minimum levels.

Events or Conditions Prompting the Use of the Fund – Staff will recommend that assets be constructed, replaced, upgraded and/or repaired during the development and approval of the annual budget. Funds will be appropriated from the Water Enterprise Capital Improvement, Renewal & Replacement and System-Wide Improvement Reserve for renewal, replacement, or system-wide improvements projects.

Periodic Review Dates for Balances – Fund balances and projected improvement projects will be reviewed by staff, the Board and the public during the development and approval of each budget.

VI. WATER ENTERPRISE CAPITAL EXPANSION RESERVE

The Agency employs a pay-as-you-go funding strategy to minimize debt borrowing and interest expenses, therefore capital reserve funds are accumulated to provide for current and future funding needs. Money in the Water Enterprise Capital Expansion Reserve is earmarked by the Board of Directors for capital projects to meet needs as a result of development and system reliability. In furtherance of meeting such needs the Agency incurred certain non-discretionary financial obligations associated with capital expansion projects. Within this fund are three separate reserves to be used for the:

1. A portion of the acquisition costs for the Agency's administrative-engineering building, (the "Building Sinking Fund");
2. Construction of improvements and enlargements to the South Bay Aqueduct (the "SBA Sinking Fund") and
3. Future Contractors share of the South Bay Aqueduct construction (the "FCSBA Sinking Fund").

Contributions are made to the Building Sinking Fund at the discretion of the Agency and moneys therein are designated for the sole use of acquiring the Agency's administrative-engineering building. At such time that the administrative-engineering building is acquired by Zone 7 the Building Sinking Fund may be closed at the discretion of the Agency.

The Water Enterprise Capital Expansion Reserve is used for the funding of expansion capital projects to accommodate new growth.

Minimum and Maximum Levels – Funding for the Water Enterprise Capital Expansion Reserve shall be targeted at a minimum amount equal to 60% of the estimated non-discretionary amount budgeted annually. Zone 7 will not have a maximum limitation for this fund, but rather the fund shall accumulate sufficient reserves to pay for future capital expansion projects as set forth in the capital improvement plan. The Agency may satisfy the minimum amount through the use of lines of credit, interim inter-fund borrowings or other financing arrangements. Funds on deposit in the Building Sinking Fund, SBA Sinking Fund and FCSBA Sinking Fund shall not be considered in connection with the calculation of minimum or maximum levels of the Water Enterprise Capital Expansion Reserve.

Events or Conditions Prompting the Use of the Fund – Staff will recommend new assets to be constructed during the development and approval of the annual budget. Funds will be appropriated from the Water Enterprise Capital Expansion Reserve for expansion capital projects.

Periodic Review Dates for Balances – Fund balances and projected capital projects will be reviewed by staff, the Board and the public during the development and approval of each budget.

VII. FLOOD CONTROL OPERATING RESERVE

The amounts in the Flood Control Operating Reserve Fund will fluctuate depending on the receipt of property taxes and the annual operating expenses of Zone 7. The Flood Control Operating Reserve is designated by the Board to maintain a reserve for current operations and to meet routine cash flow needs. Money on deposit in this fund may be used for unanticipated operating expenses, daily cash flow requirements and emergencies.

Minimum and Maximum Levels – Funding shall be targeted at a minimum amount equal to twenty percent (20%) of the Agency's budgeted total annual operating expenses, and the maximum amount shall not exceed 50% of the total budgeted operating expenses.

Events or Conditions Prompting the Use of the Fund – This fund may be routinely utilized by staff to cover temporary cash flow deficiencies caused by timing differences between revenue and expenses and/or shifts in the allocation of property taxes to Zone 7.

Periodic Review Dates for Balances – Fund balances and target levels will be reviewed by staff, the Board and the public during the development and approval of each budget.

VIII. FLOOD CONTROL CAPITAL PROJECT RESERVE

The Flood Control Capital Project Reserve is a new reserve that will hold the balance of funds once the Flood Control Operating Reserve Fund achieves levels that are consistent with this Policy on an annual basis. The amount on deposit in the Flood Control Capital Project Reserve is earmarked by the Board of Directors for capital projects to meet Zone 7's flood protection needs. These capital projects are included in the current Flood Control Capital Improvement Plan and in the Stream Management Master Plan and any related updates. Within the Flood Control Project Reserve is a separate reserve to be used for a portion of the acquisition of the Agency's administrative-engineering building (the "Building Sinking Fund"). Contributions are made to this fund at the discretion of the Agency and money therein is designated for the purpose of acquiring the Agency's administrative-engineering building. At such

time that the administrative-engineering building is acquired by Zone 7, the Building Sinking Fund may be closed at the discretion of the Agency.

Minimum and Maximum Levels – There are no current plans to set minimum or maximum target balances in the Flood Control Project Reserve.

Events or Conditions Prompting the Use of the Fund –The Flood Control Project Reserve may be used at any time for flood control maintenance or improvement projects not related to development.

Periodic Review Dates for Balances – Fund balances will be reviewed by staff, the Board and the public during the development and approval of each budget.

IX. FLOOD PROTECTION AND STORM WATER DRAINAGE DEVELOPMENT IMPACT FEE PROJECT RESERVE

The purpose of the Flood Protection and Storm Water Drainage Development Impact Fee (DIF) Project Reserve is to ensure that Zone 7 is able to meet current and future needs for flood control facilities and is primarily intended to provide funding for any flood control facilities required to mitigate the impacts of new development. This Reserve will hold development impact fees in connection with Flood Protection improvements related to development. Within this fund is a separate reserve to be used for a portion of the acquisition of the Agency’s administrative-engineering building (the “Building Sinking Fund”). Contributions to the Building Sinking Fund are made at the discretion of the Agency and money therein is designated for the sole use of acquiring the Agency’s administrative-engineering building. At such time that the administrative-engineering building is acquired by Zone 7 the Building Sinking Fund may be closed at the discretion of the Agency.

Minimum and Maximum Levels – This Reserve will not be required to have a minimum or maximum balance.

Events or Conditions Prompting the Use of the Fund – This Reserve may be used at any time for flood protection projects required to mitigate the impacts of new development.

Periodic Review Dates for Balances – Fund balances will be reviewed by staff, the Board and the public during the development and approval of each budget.

X. STATE WATER FACILITIES OPERATING RESERVE

The amounts in the State Water Facilities Operating Reserve Fund will fluctuate depending on the receipt of property taxes and the annual operating expenses of Zone 7 related to the State Water Project. The State Water Facilities Operating Reserve Fund is designated by the Board to maintain a reserve for current operations and to meet routine cash flow needs. This fund may be used for unanticipated operating expenses, daily cash flow requirements and emergencies related to State Water Project costs.

Minimum and Maximum Levels – Funding shall be targeted at a minimum amount equal to fifty percent (50%) of the Agency’s budgeted total annual operating expenses and a maximum targeted amount of 100% of the Agency’s budgeted total annual operating expenses.

Events or Conditions Prompting the Use of the Fund – This fund may be routinely utilized by staff to cover temporary cash flow deficiencies caused by timing differences between revenue and expenses and extraordinary decreases unexpected increases in expenses.

Periodic Review Dates for Balances – Fund balances and target levels will be reviewed by staff, the Board and the public during the development and approval of each budget.

Interim Reserve Policy
Overview

Attachment D

Reserves	Minimum	Maximum	Balances as of FY 2012	2011-12 Operating Budget	% of Operating Budget to Reserves
Water Enterprise (Fund 52)				\$33.5M	123%
Operating Reserve	32 days	90 days of total Operating exp.	\$8.4M		
Emergency Reserve	1%	3% of Agency's total Enterprise Plant & Equip.	\$6.3M		
Rate Stabilization Reserve	6% of Annual water sales revenue	N/A	\$5.4M		
Drought Contingency Reserve	7%	20% of budgeted water sales Revenue	\$7.2M		
Fund 52 subtotal			\$27.3M		
Capital Renewal/Replacement & System-Wide Improvement (Fund 72)				\$12.0M	55%
Project Reserve	100% of following year's capital budget plus 50% of the subsequent year	N/A	\$19.0M		
Building Sinking Fund	N/A	N/A	\$2.7M		
Fund 72 subtotal			\$21.7M		
Capital Expansion (Fund 73)				\$22.5M	106%
Installment Sale Agreement (ISA) Fund*	N/A	N/A	\$30M*		
Project Reserves	60% of the following year's non-discretionary expenditures	N/A	\$12.3M		
Building Sinking Fund	N/A	N/A	\$1.4M		
Future Contractor's share of the SBA	N/A	N/A	\$1.1M		
SBA Enlargement Project	N/A	N/A	\$6.5M		
Fund 73 subtotal			\$21.3M*		
State Water Facilities (Fund 51)				\$12.6M	119%
Operating Reserve	50%	100% of budgeted Operating Exp.	\$10.6M		
Fund 51 subtotal			\$10.6M		
Flood Control (Fund 50)				\$8.7M	37%
Operating Reserve	20%	50% of budgeted Operating Exp.	\$4.3M		
Project Reserves	N/A	N/A	\$18.6M		
Building Sinking Fund	N/A	N/A	\$0.7M		
Fund 50 subtotal			\$23.6M		
Flood Protection & Stormwater Drainage (Fund 76)				\$3.3M	9%
Project Reserves	N/A	N/A	\$36.0M		
Building Sinking Fund	N/A	N/A	\$0.7M		
Fund 76 subtotal			\$36.7M		
Total Reserves*			\$141.2M	\$92.6M	66%
* ISA is not included in reserve balance calculation total					

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

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

WHEREAS, Zone 7 implemented its most recent Reserve Policy on February 16, 2005;
and

WHEREAS, Zone 7 further strengthened its financial management policies and practices
by adopting the Financial Management Framework on November 16, 2011 with Board
Resolution No 11-4137; and

WHEREAS, the purpose of the Interim Reserve Policy is to ensure the Agency's ability
to respond to changes in the economic environment and service demands with minimal impact
on its customers while maintaining the financial integrity of the Agency.

WHEREAS, the Agency has created this policy document by working, and
communicating with its business partners, the Retailers, in a transparent and forthright manner;

NOW THEREFORE BE IT RESOLVED that the Board of Directors of Zone 7 of
Alameda County Flood Control and Water Conservation District does hereby establish an
Interim Reserve Policy.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a
Resolution adopted by the Board of Directors of
Zone 7 of Alameda County Flood Control and
Water Conservation District on April 17, 2013.

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: FACILITIES ENGINEERING
CONTACT: JAIME RIOS / RHETT ALZONA

AGENDA DATE: April 17, 2013

ITEM NO. 9

SUBJECT: Award of Contract for the Arroyo Mocho Stanley Reach - Riparian Restoration and Channel Enhancement Pilot Project

SUMMARY:

- The Arroyo Mocho Stanley Reach is a channelized trapezoidal earthen channel which requires periodic removal of sediment and erosion repair in order to preserve flood capacity.
- The channel reach contains barriers to fish migration.
- The project will make improvements to the channel reach which will improve fish migration and habitat function, while maintaining flood protection.
- As lead agency under CEQA, Zone 7 staff prepared a Mitigated Negative Declaration for the project which was adopted by the Board at the March 2013 Board meeting.
- Zone 7 advertised the construction contract and on April 2, 2013, seven bids ranging from \$942,000 to \$2,049,500 were received. The Engineer's estimate for the project scope under this contract is \$2,249,000.
- Bids were reviewed by Zone 7 staff and Grade Tech, Inc., who submitted a bid of \$942,000 was determined not to be a responsible bidder.
- Further, it was determined that the lowest responsive and responsible bidder is Applied Water Resources Corporation with a bid of \$1,385,394.

FUNDING:

Funding for the project is available in Funds 50 and 76. Additional appropriations of \$1,774,000 are requested for the project construction and construction support services

RECOMMENDED ACTION:

Consider bids for the construction of the Arroyo Mocho Stanley Reach - Riparian Restoration and Channel Enhancement Pilot Project and adopt the attached resolution to:

- Approve plans, specifications, appendices and addenda;
- Reject the bid of Grade Tech, Inc.;
- Accept the bid and award a contract to Applied Water Resources Corporation, as the lowest responsive and responsible bidder for the bid amount of \$1,385,394;
- Authorize the General Manager to negotiate and execute the contract with Applied Water Resources Corporation;
- Authorize the General Manager to issue change orders as and when required in an amount not-to-exceed \$138,540 (10% of contract amount);
- Authorize the General Manager to negotiate and execute contracts with ESA PWA for construction support services for a total not to exceed amount of \$150,000; and
- Authorize the General Manager to approve appropriations of \$1,744,000 (\$301,580 in the Flood Protection and Storm Water Drainage Fund 76 and \$1,472,420 in the Flood Control Fund 50) in FY12/13 for this project.

ATTACHMENTS: Memo providing additional background and discussion of agenda item; Resolution

Interoffice Memo

Date: April 17, 2013
To: Jill Duerig, General Manager
From: Jaime Rios, Associate Civil Engineer
Subject: Award of Contract for the Arroyo Mocho Stanley Reach - Riparian Restoration and Channel Enhancement Pilot Project

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

BACKGROUND:

Zone 7 adopted the Stream Management Master Plan (SMMP) in August 2006. Project R.3-5 ("Stanley Reach") was identified as an area where stream channel enhancements, increased riparian vegetation, and fish passage improvements could be made without impacting flood protection as this particular reach has excess capacity beyond that needed to accommodate a 100-year flood event. The SMMP also identified this area as a location that is of interest for inclusion in the City of Livermore's trail system.

The Stanley Reach project site is the uppermost extent of channelization on Arroyo Mocho. The site consists of a trapezoidal earthen channel constructed to provide flood protection. The reach is largely devoid of riparian habitat, and features four grouted riprap grade control structures and a concrete "dragons teeth" energy dissipation structure that act as pinch points, reducing channel capacity, and also flatten the slope of the reach. These features and conditions contribute to the deposition of large amounts of sediment. Two of the structures create barriers to fish migration. Their removal/modification will establish a fish migration corridor through the project reach. Self-sorting of the existing sediment, in lieu of removal, will reduce in-stream impacts in the long-term and allow for improved habitat.

The Arroyo Mocho was listed as an impaired water way (303d listing) by the Regional Water Quality Control Board based on observed water temperatures. Regional Board staff have hypothesized that adding shaded areas under new trees could mitigate these impacts. In response, Zone 7 has added temperature monitoring stations and developed this pilot project to confirm or deny the hypothesis.

The objectives for this pilot project are to explore:

- Reducing velocities with non-structural techniques;
- Options for riparian restoration that are compatible with flood protection, sediment management, and water supply;
- Reducing water temperatures by introducing a tree canopy (to address 303d listing);
- Enhancing habitat by removing fish passage barriers and adding habitat features;
- Engaging and training volunteers to collaborate toward a long-term successful project; and
- Alternative funding sources, such as mitigating partners.

DISCUSSION:

The arroyo passes sediment inefficiently through this reach and has been actively aggrading since its construction in the late 1980s. Under existing conditions, it is necessary to dredge sediment from the site in order to preserve flood capacity. High flow velocities have initiated bank erosion at several points, which if left unchecked could cause substantial bank failures leading to damage to adjacent utility lines or housing. Although these issues can be addressed conventionally, Zone 7 is seeking to

explore the effectiveness of alternative modifications to the site that will allow improved habitat while maintaining flood protection.

In addition to exploring new flood protection techniques, another goal of the project is to demonstrate the feasibility of transforming a traditional earthen trapezoidal flood protection channel into a forested stream reach exhibiting natural fluvial and ecological function. With the completion of the channel improvements, a combination of contractors and volunteers will replant the site with a diverse mix of species representing typical riparian and associated upland forests of the region. The project is a pilot project to evaluate the feasibility and best approach to restore stream and riparian habitat in other parts of the Zone 7 service area.

Zone 7 staff prepared a Mitigated Negative Declaration for the project which was adopted by the Board at the March 2013 Board meeting. A consulting engineering firm and Zone 7 staff prepared plans and specifications for the project which includes removal of a concrete grade control structure, removal of grouted rip-rap grade control structures, re-grading of channel side slopes and bottom slopes, installation of roughened channel structures, removal of sediment from a sediment basin, filling and compacting of sediment from the sediment basin onto channel access roads, installation of storm drain outfall structures and installation of biotechnical structures.

The project was advertised twice in a local newspaper, on an internet site (Onvia) and on Zone 7's website. In addition, electronic copies of the plans and specifications were made available to twenty four Northern California building exchanges. Subsequent to advertising, over twenty contractors attended the required pre-bid site visit. On April 2, in accordance with established procedures, the following seven bids were received:

<u>Name of Firm</u>	<u>Total Bid Amount</u>
Grade Tech (Castro Valley)	\$942,000.00
Applied Water Resources Corporation (Santa Clara)	\$1,385,394.00
Siteworks (Lafayette)	\$1,385,953.69
Hanford ARC (Sonoma)	\$1,874,573.00
Nordic Industries (Olivehurst)	\$1,953,000.00
RGW (Livermore)	\$1,974,500.00
Evans Brothers (Livermore)	\$2,049,500.00

The Engineer's estimate prepared by the consultant for the project scope under this contract is \$2,249,000. The bids have been reviewed by Zone 7 staff. The low bidder, Grade Tech, Inc., has been determined not to be a responsible bidder. The second low bidder, Applied Water Resources Corporation, has been determined to be qualified for this project. After the bid opening, a letter was received from Hanford ARC protesting the bids of the three lowest bidders. Staff has reviewed the protest and responded to Hanford ARC and staff recommends awarding the contract to Applied Water Resources Corporation as the lowest responsive and responsible bidder in an amount not-to-exceed \$1,385,394. Additionally, staff recommends that the General Manager be authorized to negotiate and issue change orders as and when required in an amount not-to-exceed \$138,540 (10% of contract amount).

Funding for the project is available in Funds 50 and 76 but needs to be appropriated specifically for the project. Funding for this project in the fiscal year (FY) 12/13 budget was established at \$500,000 of which there is approximately \$159,000 remaining. This initial budget was to move forward with planning, design, and future planting needs. Consideration was being given that Zone 7 could share project mitigation credit with other public agencies for a share of the construction cost funding for this initial project. Cost sharing is still being explored and could potentially reimburse Zone 7 for a portion of the construction cost.

As cost sharing is still being explored, staff recommends that the General Manager be authorized to approve additional appropriations of \$1,774,000 (\$301,580 in the Flood Protection and Storm Water Drainage Fund 76 and \$1,472,420 in the Flood Control Fund 50) in FY 12/13 for this project. This funding is intended to cover the construction cost including contingency, construction support services including biological monitoring, and Zone 7 staff construction management labor.

SCHEDULE:

Construction is scheduled to commence in May 2013 and substantial completion of the project is anticipated by mid-September 2013.

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

**Award of Contract for the Arroyo Mocho Stanley Reach -
Riparian Restoration and Channel Enhancement Pilot Project**

WHEREAS, Zone 7 of the Alameda County Flood Control and Water Conservation District has a project for the construction of the Arroyo Mocho Stanley Reach - Riparian Restoration and Channel Enhancement Pilot Project; and

WHEREAS, a Mitigated Negative Declaration per the California Environmental Quality Act (CEQA) guidelines was prepared for the project and was adopted by the Board at the March 2013 Board meeting; and

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

WHEREAS, seven bids were received and publicly read by the Zone 7 General Manager's authorized representatives at the Zone 7 Administration Office, 100 North Canyons Parkway, Livermore, California 94551 on April 2, 2013 at 2:00 pm; and

WHEREAS, Grade Tech, Inc., who submitted the low bid of \$942,000 has been determined not to be a responsible bidder; and

WHEREAS, the lowest responsive responsible bid received for Project No. 220-12 is the bid by Applied Water Resources Corporation, with a bid amount of \$1,385,394.

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 Arroyo Mocho Stanley Reach - Riparian Restoration and Channel Enhancement Pilot Project; and

BE IT FURTHER RESOLVED that the bid submitted by Grade Tech, Inc., be rejected; and

BE IT FURTHER RESOLVED that the bid of the lowest responsive and responsible bidder, Applied Water Resources Corporation, be accepted, and that the contract for the work be awarded to Applied Water Resources Corporation, in an amount not to exceed \$1,385,394; and

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

BE IT FURTHER RESOLVED that the General Manager be authorized to negotiate and issue change orders as and when required in an amount not to exceed \$138,540; and

BE IT FURTHER RESOLVED that the General Manager be authorized to negotiate and execute construction support services contracts with ESA PWA for an amount not to exceed \$150,000; and

BE IT FURTHER RESOLVED that the General Manager be authorized to approve additional appropriations of \$1,774,000 (\$301,580 in the Flood Protection and Storm Water Drainage Fund 76 and \$1,472,420 in the Flood Control Fund 50) in FY12/13 for this project.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on April 17, 2013.

By _____
President, Board of Directors

Water Resources Committee
March 26, 2013
Meeting Summary

Directors Present: J. Greci, S. Palmer, B. Stevens

Staff Present: K. Arends, J. Duerig, A. Flores, C. Mahoney, C. Winey, T. Church

Director Stevens called the meeting to order at 4:07 p.m., with Directors Greci and Stevens present.

1. Public Comment on Items Not on Agenda

There were no public comments.

2. East Pleasanton Specific Plan Update

Ms. Winey presented an update on the activities of the East Pleasanton Specific Plan (EPSP) Task Force, of which Zone 7 is a member. The EPSP includes Lakes H, I, and Cope in addition to 393 acres in the surrounding area. The update focused on the latest EPSP Task Force Meeting in March where three development alternatives were presented for Lakes I, H, and Cope. The three alternatives were not vetted by Zone 7 staff prior to this presentation. The three alternatives showed nearly half of Cope Lake as “open space” suggesting public access on Zone 7 Property and without considering that the “open space” area may be underwater depending on Zone 7’s water resource management plan for the lakes. The three alternatives indicated a park that encroaches on Zone 7 property in Cope Lake. Further, the three alternatives indicated a “Destination Use” immediately adjacent to a Zone 7 water treatment facility and along a road that Zone 7 uses for chemical deliveries.

Zone 7 prepared and presented their own map in response to the three alternatives clearly delineating property boundaries and a fencing scenario for areas that are not under agreement with a local agency that would take on funding, planning, and liability for public access. To remind the Task Force that Zone 7 has plans for the COLs that need to be considered in the EPSP, Ms. Winey discussed five items for consideration related to Zone 7’s planning process for the COLs: Future El Charro Road width restrictions (40-100 ft max), public safety/access concerns, water quality priorities, trails, and conflicts surrounding the Destination Use area. The Draft EPSP and associated Draft EIR are scheduled for completion in December 2013.

Director Greci commented that Zone 7 is not in the recreation business and any trails or public access in the COLs would have to be funded and managed by others. He reiterated that Zone 7 should work with another agency to assume recreation costs and that Zone 7’s priority is protecting water quality. General Manager Duerig responded that there may be ways that Zone 7 could accommodate recreation while protecting the agency’s water management interests but it will require working with other agencies.

Director Stevens asked why the alternatives did not extend past Stanley Boulevard and Ms. Mahoney responded that the EPSP only addresses areas that were not included in the City of Pleasanton’s General Plan.

There was further discussion about El Charro Road and the maximum width allowed for the road. The City of Pleasanton has an existing easement that allows for a 40’ to 100’ maximum public roadway in the area of the current Haul Road. Alternatives are currently being considered by the EPSP Task Force.

3. Chain of Lakes Planning Update

At the previous meeting, the Committee requested that staff present a more comprehensive overview of the potential uses of the COLs. In response to that request, Dr. Flores provided an overview of the methodology that Zone 7 intends to use to evaluate the suggested/requested uses for the Chain of Lakes (COLs). Dr. Flores walked the committee through the potential suggested/requested uses, preliminary screening criteria to evaluate the suitability of each lake to support the use, and the scoring system proposed to assess the overall suitability of each lake for multiple uses or for restricted use. The scorecard approach is intended to be a quantitative and systematic means of comparing the suitability of each lake for each use. Dr. Flores also presented a preliminary matrix illustrating the compatibility or incompatibility of certain uses.

Director Stevens asked about possible hatcheries. Staff explained that aquaculture and hatcheries would both be in the category of “other uses.”

Staff also presented efforts to update the lake configuration profiles. There was discussion about actual and proposed modifications to lake depths, which are being coordinated with the quarry operators/owners.

The Directors were generally supportive of staff’s approach and recommended a condensed presentation of the proposed uses and evaluation methodology to the Board in April. Director Greci noted the importance of Zone 7 developing and communicating the agency’s plans for the use of the Chain of Lakes—and particularly Cope Lake and Lakes H and I—to the EPSP Task Force so they can be considered in the development of the Draft EPSP. Director Stevens suggested revising the schedule to incorporate the EPSP timeline to underline how the Chain of Lakes planning effort will be coordinated with the EPSP development. The Directors reiterated what an important asset the Chain of Lakes is to the Valley, and how critical it is to improving water supply reliability.

Dave Requa (DSRSD) commented that the proposed approach was balanced and commended General Manager Duerig for being open to different uses of the lake. He noted the importance to DSRSD of having recycled water storage at the Chain of Lakes, either at Cope Lake or elsewhere. He also noted that he expects that Zone 7 will continue to work with the retailers as Zone 7 proceeds with the evaluation process.

Director Palmer joined the meeting.

Finally, Dr. Flores presented photos from staff’s site visit to the Quarry Lakes area, which is located in Fremont and is owned by Alameda County Water District (ACWD) and portions are operated by East Bay Regional Parks District as the Quarry Lakes Regional Recreation Area. The Quarry Lakes are former mining pits that have been converted for water management (groundwater recharge), recreation, and habitat uses. The overall size is much smaller than the overall size of the Chain of Lakes area. ACWD staff led the site visit and provided an overview of the planning process they undertook for the Quarry Lakes transition.

4. Verbal Comments

There were no verbal comments.

5. Adjournment

Director Greci adjourned the meeting at 5:19 p.m.

4/17/13 Board Written/narrative comments by Dick Quigley

March 28/29 - Attended ACWA Board meeting & Executive Committee meeting in Sacramento. Board of Directors approved guidelines for modifying the 2014 water bond and adopted policy principles on managing California's headwaters at a meeting last week in Sacramento. The ACWA Board, already on record in support of the \$11.14 billion water bond currently set for the November 2014 ballot, reconvened the California Water Finance Task Force this year to explore options for improving the viability of the bond and to identify potential alternative strategies for financing infrastructure and projects. The task force includes a diverse cross-section of ACWA members representing urban and agricultural agencies around the state. The ACWA Board of Directors discussed the task force's recommendations last week and will consider more specific recommendations at a meeting in late May.

"ACWA strongly believes that public funding through a water bond is an appropriate way to finance the public benefits of investing in our water system. We recognize, however, that significant changes, including reducing the overall size of the existing bond and addressing the perception that the bond contains too much 'pork', will be required to secure the passage of a water bond in 2014," ACWA Executive Director Timothy Quinn said. "As a statewide organization, ACWA intends to help shape these changes so we can advance solutions that work for our members and their ratepayers throughout the state."

The ACWA Board acknowledged that the bond will need to be downsized and voiced support for several guidelines for potential changes to the current bond including:

- Avoiding "earmarks" that allocate funds for specific projects without a competitive process;
- Continuing to use general obligation bond funds for statewide public benefits;
- Rejecting statewide fees on water to pay for statewide public benefits;
- Protecting bond funding for the public benefits of water storage projects, ecosystem restoration beyond mitigation obligations, and some local resource development projects, including those in disadvantaged communities; and
- Recognizing that the best prospect for reducing the overall size of the water bond lies in replacing use of some general obligation bond funds for local resource development with viable regional funding mechanisms where money is raised and spent locally without having to be cycled through the state government.

ACWA will continue to play a leadership role in water bond and water financing discussions in the coming months.

April 2 - ACWA Employee Benefits Work Group Meeting

(Conference call from 3:00 PM to 5:00 PM)

Group Co-Chairs Marion Ashley and Shauna Lorange convened the first meeting of the work group on Tuesday, April 2, 3:00 - 5:00 p.m. The meeting was conducted by conference call to minimize logistical challenges and reserved ACWA's Second Floor Conference Room for any work group members who preferred to participate in person.

April 11 - will be participating at the 2013 Santa Anna River Watershed Conference in Costa Mesa, CA. I will verbally offer a report at the Board meeting.

Let me know if you have any questions or suggestions.

Thanks, DQ



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: ADMINISTRATION

CONTACT: Jill Duerig

AGENDA DATE: April 17, 2013

ITEM NO. **13a**

SUBJECT: GENERAL MANAGER'S REPORT

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

Environmental & External Affairs:

- During March, the California Department of Water Resources (DWR) announced that 2013 allocations had been reduced from 40% to 35% because of the ongoing dry weather.
- Several updated chapters of the Bay Delta Conservation Plan (BDCP) were released this month, along with a schedule for release of the remaining chapters and administrative draft of the environmental documents (see <http://baydeltaconservationplan.com/Home.aspx>). In addition, the California Department of Water Resources (DWR) posted a 10-minute video about the Delta and associated BDCP effort at www.youtube.com/watch?v=LkEzTuxVCyA.
- The California Department of Water Resources (DWR) continues to work with stakeholders such as the Association of California Water Agencies (ACWA), the California Urban Water Agencies (CUWA) and individual public water agencies on its California Water Plan Update 2013. As with each revision, this one is taking the Water Plan to another level. The new chapter on financing integrated water resource projects is engendering a lot of discussion. The evaluations and assessments performed for the plan help identify effective actions and policies for meeting California's resource management objectives in the near term and for several decades to come. See www.waterplan.water.ca.gov.
- The Bay Area's Proposition 84 Conservation Grant Round 2 Application was submitted to the Department of Water Resources last week. If awarded, this would provide additional matching funds for rebates and other Zone 7 conservation programs. The total requested grant amount for Bay Area projects, including conservation, was \$20 million.

Finance & Administration

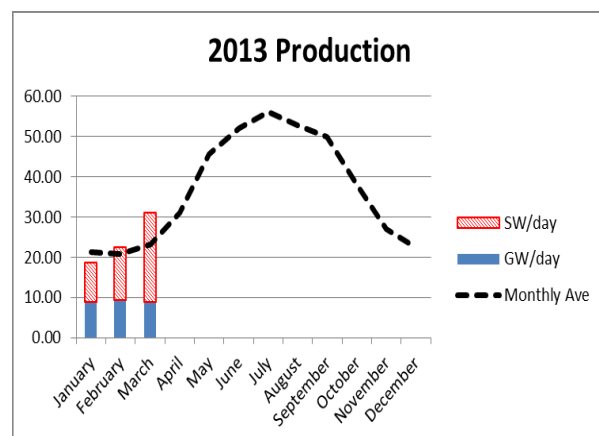
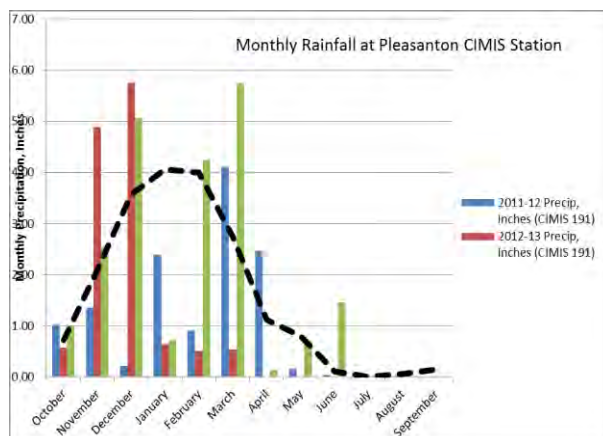
- Staff are using the new accounting software to develop the 2013-14 budget. While challenging, staff reviews of the new software are generally positive.
- The initial Power and Water Resources Pooling Authority (PWRPA) project will be the Patterson Pass Water Treatment Plant. PWRPA's design is now complete and ready for advertisement; this is planned for April to ensure that the contractor's switchover will not impact production capacity during peak demand periods this summer. The Mocho Groundwater Demineralization Plant (and Mochos 3 and 4) will follow since PWRPA informed staff that the Federal Energy Regulatory Commission (FERC) has now approved these connections, too.

Engineering and Flood Control:

- The Bay Area Regional Desalination Project has scheduled the next round of public outreach meetings for April 20th and April 24th. The objective of the meetings is to present the results of the site-specific analysis and solicit public input. Staff from the respective agencies will also be briefing the regulatory agencies including the US Army Corps of Engineers, the Regional Board, the resource agencies and the California Coastal Commission.
- While Lake Del Valle had risen to a high of 36,200 acre feet/AF at an elevation of 697.59 feet as of March 13th, natural runoff from the watershed had dropped to 2 AF per day due to continuing dry conditions. By mid-month, Alameda County Water District began releasing some of their stored water from the lake to assist them in inflating their upstream rubber dam so that they could re-fill their above-Hayward Fault groundwater basin. At the same time, DWR began filling Lake Del Valle by pumping into it at a rate of 60 cubic feet per second (CFS), with a goal of reaching 40,000 AF by mid-April. In addition, East Bay Regional Park District turned on the Shadow Cliffs siphon this week at a rate of 1.5 CFS. By the end of March, the storage had reached 35,370 AF at an elevation of 696.34 feet.
- Contractor (County flood crew) continues with access roadway “pre-emergent vegetative control application” activities. Another contractor (Pacheco Brothers Gardening) continues with vegetative work at Arroyo Valle in Pleasanton. Graffiti abatement has been scheduled along Arroyo Seco in Livermore.

Operations and Maintenance:

- As the temperatures began to rise early in the month, the Del Valle Water Treatment Plant began experiencing temperature and turbidity fluctuations in the raw water. These, along with the high biomass in the South Bay Aqueduct (potentially due to the Dyer Reservoir release), caused pulsator upsets that required frequent filter backwashes (15 backwashes in a single day on March 5th). Del Valle was at reduced flows for the month both due to the treatment issues and because of planned filter maintenance work.
- Patterson Pass was off-line much of the month. The clarifier coating repair was completed. Other maintenance work, such as completing the vertical pump installation in the east pond; working on the isolation valve to the plant inlet; installing an air dryer to the air compressor; etc.; were also accomplished.
- With the treatment challenges at DWTP and Patterson Pass offline, wells remained in use to help meet the rising demands resulting from the dry weather.



Monthly List of GM Contracts

March 2013

Contracts:

John Ford & Associates	\$ 5,000	Management Coaching
JDH Corrosion Consultants	24,000	Annual Cathodic Protection Monitoring
PSB Integrated Marketing, Inc.	6,500	Printing of FY 2013-2014 Budget Book
Contra Costa County Flood Control & WCD	35,000	Interagency Agreement - Review Hydrologic and Hydraulic Study
Yorke Engineering	4,000	Air Dispersion Model and Accidental Release Scenario
Bay Area Coating Consultants	3,840	Del Valle WTP Filter No. 2 Interior Walls
Total March 2013	\$78,340	



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: Administrative Services
CONTACT: Boni Brewer/Mike Wallace

AGENDA DATE: April 17, 2013

ITEM NO. **13b**

SUBJECT: Communications Outreach Activities

E-newsletters, March 4th, 19th and 25th

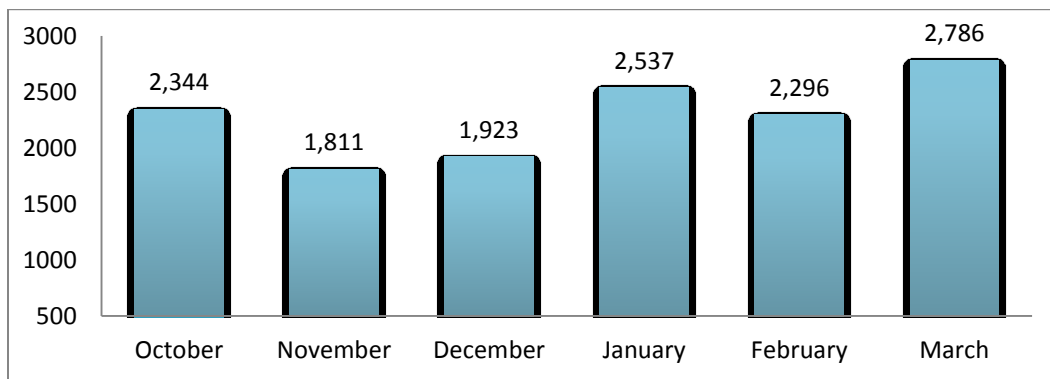
The March 4 e-newsletter featured an article on Zone 7's hosting the First Annual Conference of the Bay Area Flood Protection Agencies Association. The March 19 e-newsletter had an article on the release of the draft Bay Delta Conservation Plan. The March 24 e-newsletter focused on the Arroyo Mocho Stanley Reach Riparian Restoration and Channel Enhancement Pilot Project. All three e-newsletters remain posted on Zone 7's website, www.zone7water.com/news/enewsletter-a-signups.

Alameda County Science & Engineering Fair, March 9

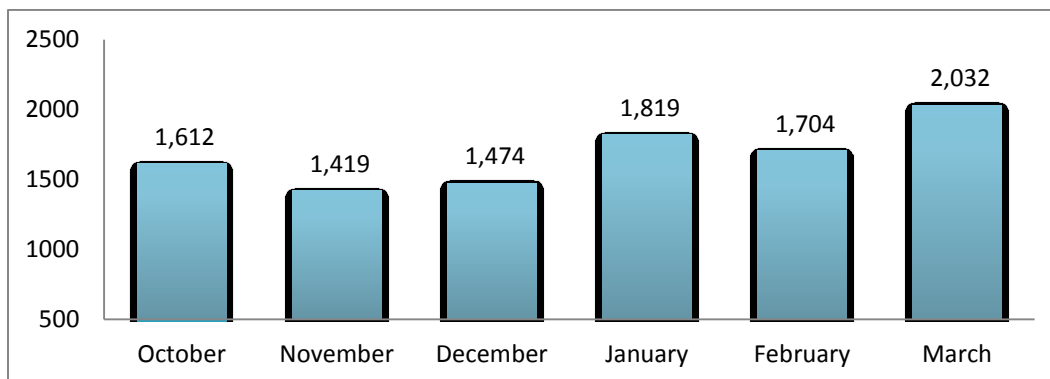
Staff again served as Special Awards judges of water-related projects during the Alameda County Science and Engineering Fair, this year held at the county fairgrounds in Pleasanton. Zone 7's judges evaluated only those projects that were submitted by students within Zone 7's service area. They awarded one middle school team and two high school teams. The students are being invited to make presentations on their projects at Zone 7's May Board meeting.

Website activity

Total Web Visits:



Unique Visitors (unduplicated – counted only once - visitors to website):





ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: Administration

CONTACT: Tom Pico/Tim Hunt

AGENDA DATE: April 17, 2013

ITEM NO. 13c

SUBJECT: Legislative Update

SUMMARY:

- Zone 7 staff, with the support of the Agency's lobbying firm, The Gualco Group, Inc., and the Agency's legislative support consultant, Tim Hunt, monitors legislation that is being considered in Sacramento, as well as other political activities of interest to the Agency.
- April is very busy with policy committee hearings. After the Legislature returned from its spring recess on April 1, a total of 252 bills were scheduled to be heard by policy committees in the first three days alone.
- AB 145 (Perea) cleared the Assembly Water, Parks and Wildlife Committee on a 9-2 vote on April 2. The bill would shift responsibility for the state's drinking water program from the Department of Public Health to the State Water Resources Quality Control Board. ACWA has an oppose-unless-amended position. The author indicated on April 2 that he will work with opponents about their concerns.
- AB 763 (Buchanan) would expand the authority of the Department of Boating and Waterways to control and potentially eradicate aquatic non-native weeds as well as troublesome native water plants. The bill builds on last year's AB1540 (Buchanan) which Zone 7 sponsored. It would allow the department to take action after consultation with the Department of Fish and Wildlife. The legislation is set for hearing April 16 in the Assembly Water, Parks and Wildlife Committee.
- Legislative budget sub-committees have been holding hearings to consider budget change proposals. These will be worked into department budgets when the Legislature focuses on the budget after the governor submits his revised budget in May.

RECOMMENDED ACTION: Information only.

ATTACHMENT: Executive Summary.



EXECUTIVE SUMMARY

State Legislation

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

April 2, 2013



Bill	Topic	Synopsis	Staff Recommendation	Status of the Bill/Comments
Delta Environment				
AB 763 (Buchanan)	Aquatic invasive plants: control and eradication	The bill would authorize the Department of Boating and Waterways, in consultation with appropriate state, local, and federal agencies, to take any action it determines is necessary to implement statewide management and eradication measures for those invasive aquatic plants.	Support	Set for hearing in Assembly Committee on Water, Parks and Wildlife on 4/16/13
AB 823 (Eggman)	Environment: California Farmland Protection Act	This bill would enact the California Farmland Protection Act, which would require that an applicant for a project, as defined, that involves the conversion of agricultural land to a permanent or long-term nonagricultural use, including a residential, commercial, civic, industrial, infrastructure, or other similar use, at a minimum, mitigate the identified environmental impacts associated with the conversion of those lands through the permanent protection and conservation of land suitable for agricultural uses, and would require that an adopted mitigation measure providing for the protection of agricultural land meet specified requirements.	Watch	Set for hearing in Assembly Committee on Natural Resources on 04/15/2013
AB 1259 (Olsen)	Sacramento-San Joaquin Valley	Current law requires each city and county within the Sacramento-San Joaquin Valley, within 24 months of the adoption of the Central Valley Flood Protection Plan, to amend its general plan to include specified data, policies, and implementation measures. The city or county is also required, within 36 months of the adoption of the Central Valley Flood Protection Plan, but not more than 12 months after the amendment of its general plan, to amend its zoning ordinance to be consistent with the general plan, as amended. This bill would include, among the findings that exempt a city or county from the above-described prohibition and requirement, a finding that property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.	Watch	Set for hearing in Assembly Committee on Water, Parks and Wildlife on 04/16/2013

Delta Plan

[SB 735 \(Wolk\)](#)

Sacramento-San Joaquin Delta Reform Act of 2009: covered actions

This bill would exclude from the definition of "covered action" the approval or implementation of a project which is a part of a larger conservation plan submitted pursuant to the federal Endangered Species Act.

Watch

Senate Natural Resources and Water

Delta Protection Commission

[AB 183 \(Dickinson\)](#)

Delta Protection Commission: executive director: comprehensive long-term resource management plan: determination of consistency

This bill would require the executive director of the Delta Protection Commission to determine a discretionary project located in the primary zone to be consistent with the resource management plan provided that the project satisfies at least 4 of the 5 criteria.

Watch

Assembly Committee on Water, Parks and Wildlife

Coachella Valley

[AB 1331 \(Hueso\)](#)

Drainage: Coachella Valley County Water District

This bill would specify that the Coachella Valley County Water District is authorized to raise funds by special assessment pursuant to the Proposition 218 Omnibus Implementation Act.

Watch

Assembly Committee on Water, Parks and Wildlife

Groundwater

[SB 620 \(Wright\)](#)

Water replenishment districts

Current law, the Water Replenishment District Act, generally authorizes a water replenishment district to establish an annual reserve fund in an amount not to exceed \$10,000,000 commencing with the 2000-01 fiscal year, and thereafter, as that amount is adjusted annually. The act requires a minimum of 80% of the reserve fund to be expended for water purchases. This bill would eliminate the requirement that a minimum of 80% of the reserve fund be expended for water purchases.

Watch

Set for hearing in Senate Natural Resources and Water on 04/09/2013

State-Funded Research on the Delta

[AB 378 \(Hueso\)](#)

Resources: Delta Research

This bill would require a person conducting Delta research, as defined, whose research is funded, in whole or in part, by the state, to take specified actions with regard to the sharing of the primary data, samples, physical collections, and other supporting materials created or gathered in the course of that research.

Watch

Assembly Committee on Accountability and Administrative Review

State Water Resources Control Board

AB 145 (Perea)	State Water Resources Control Board: Drinking Water	This bill would transfer to the State Water Resources Control Board the various duties and responsibilities imposed on the Department of Public Health by the California Safe Drinking Water Act.	Oppose	Passed (9-2) Assembly Committee on Water, Parks and Wildlife on 04/02/2013
SB 117 (Rubio)	Drinking Water: State Water Resources Control Board	This bill would transfer the various duties and responsibilities imposed on the Department of Public Health by the California Safe Drinking Water Act to the State Water Resources Control Board.	Oppose	Senate Committee on Health

Water Transfers

AB 426 (Salas)	Water: water transfers: temporary changes	This bill would allow a permittee or licensee to make a temporary change in the point of diversion, place of use, or purpose of use, up to the amount of a permit or license, in order to transfer or exchange water or water rights through a water transfer agreement for a specified term if specific requirements are met.	Watch	Assembly Committee on Water, Parks and Wildlife
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Water Recycling

AB 613 (Hueso)	Water: water reclamation	The Water Recycling Law provides that a person recycling water or using recycled water in violation of specific provisions, after the violation has been called to the attention of that person in writing by the regional board, is guilty of a misdemeanor, as specified. This bill would make technical, nonsubstantive changes to the provision.	Watch	Read 1 st time
AB 803 (Hueso)	Water Recycling Act of 2013	This bill would codify regulations to (1) define various terms for the purpose of water recycling criteria, (2) require the use of certain quality recycled water for specified uses with prescribed prohibitions and (3) modify prohibitions and requirements for dual-plumbed recycled water systems.	Watch	Assembly Committee on Water, Parks and Wildlife
AB 1200 (Levine)	Recycled water: landscaping	This bill would require the Department of Water Resources to require 1,000,000 acre-feet of the water used for landscaping each year to be supplied by recycled water by 2020.	Watch	Assembly Committee on Water, Parks and Wildlife

Water Bond

AB 142 (Perea)	Safe, Clean, and Reliable Drinking Water Supply Act of 2012	This bill would require a state department that expends moneys in grants or other expenditures from the bond act to provide information to the Treasurer within a specified time period including the total amount of moneys spent on each project or program, the specific location of the project, and a detailed description of the project.	Watch	Assembly Committee on Water, Parks and Wildlife
SB 36 (Rubio)	Safe, Clean, and Reliable Drinking Water Supply Act of 2012	This bill would declare the intent of the Legislature to amend the Safe, Clean and Reliable Drinking Water Supply Act of 2012 for the purpose of reducing the amount of the \$11,140,000,000 bond.	Watch	Senate Committee on Rules
SB 40 (Pavley)	Safe, Clean, and Reliable Drinking Water Supply Act of 2012	This bill would change the name of the act to the Safe, Clean, and Reliable Drinking Water Supply Act of 2014 and declare the intent of the Legislature to amend the act for the purpose of reducing and potentially refocusing the \$11,140,000,000 bond.	Watch	Senate Committee on Natural Resources and Water
SB 42 (Wolk)	The California Clean, Secure Water Supply and Delta Recovery Act of 2014	This bill would enact the California Clean, Secure Water Supply and Delta Recovery Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a clean, secure water supply and Sacramento-San Joaquin Delta recovery program and would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election.	Watch	Senate Committee on Natural Resources and Water
SB 783 (De Leon)	The California Clean Water, Safe Urban Parks, and Environmental Health Investment Act of 2014	This bill would declare the intent of the Legislature to enact legislation that would improve the economy, the natural environment, and increase and improve access opportunities to physical fitness, by enacting the California Clean Water, Safe Urban Parks, and Environmental Health Investment Act of 2014	Watch	Senate Committee on Rules

Public Works

AB 44 (Buchanan)	Subletting and Subcontracting Fair Practices Act: bidding practices.	This bill would remove the requirement that the location of each subcontractor's business be included in the bid or offer and instead require that the California contractor license number of each subcontractor be provided	Watch	Passed (13-0) Assembly Committee on Business, Professions and Consumer Protection on 04/02/2013
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SB 616 (Wright)	Public works: payment bonds	This bill would, until January 1, 2017, exempt the Los Angeles Unified School District from this provision when the district enters into a public works contract in an amount less than \$1,000,000 with a contractor that is a small business or microbusiness, as defined, that participates in the district's self-insurance program.	Watch	Senate Committee on Rules
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Special Taxes: Voter Approval

ACA 8 (Blumenfield)	Local government: bond issues: voter approval	This bill would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district, as defined, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable.	Watch	Read 1 st time
SCA 9 (Corbett)	Local government: economic development: special taxes: voter approval	This measure would provide that the imposition, extension or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of 55% of its voters voting on the proposition.	Watch	Set for hearing in Senate Committee on Governance and Finance on 05/08/2013
SCA 11 (Hancock)	Local government: special taxes: voter approval	This measure would condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on a proposition.	Support	Set for hearing in Senate Committee on Governance and Finance on 5/8/13

Hydraulic Fracturing

AB 982 (Williams)	Oil and gas: hydraulic fracturing	This bill would define "hydraulic fracturing." The bill would also require any notice of intent to drill, rework, or deepen a well where hydraulic fracturing will occur to include a groundwater monitoring plan for review and approval by the supervisor and the appropriate regional water quality control board, which would contain specific information relating to groundwater, water quality, and the monitoring of wells and water quality.	Watch	Set for hearing in Assembly Committee on Natural Resources on 04/15/2013
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AB 1301 (Bloom)	Oil and gas: hydraulic fracturing	This bill would define "hydraulic fracturing" and would prohibit hydraulic fracturing in oil and gas operations until the Legislature enacts subsequent legislation that determines whether and under what conditions hydraulic fracturing may be conducted while protecting the public health and safety and the natural resources of the state.	Watch	Assembly Committee on Natural Resources
SB 395 (Jackson)	Hazardous substances: produced water	The Department of Toxic Substances Control is prohibited from duplicating or adopting conflicting regulations for regulated product categories. A violation of the hazardous waste control law is a crime. This bill would define produced water and require its regulation as a hazardous substance during the extraction of oil and gas, including hydraulic fracturing operations.	Watch	Senate Committee on Environmental Quality

Placeholder (aka "Spot") Bills

AB 1078 (Quirk)	Water: water recycling technology	This bill would state the intent of the Legislature to enact legislation to encourage the creation of new technologies to further the use of recycled water in the state.	Watch	Read 1 st time
AB 1249 (Salas)	Public water systems: water supply assessments	This bill would make a technical, nonsubstantive change to the requirement that a city or county that determines a project is subject to CEQA to identify any public water system that may supply water for the project.	Watch	Read 1 st time
SB 726 (Lara)	Urban water management planning	Existing law declares that certain provisions relating to urban water management planning are intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water. This bill would make a technical, nonsubstantive change in those findings and declarations.	Watch	Read 1 st time

Water Conservation

AB 1349 (Gatto)	CalConserve Water Use Efficiency Revolving Fund	This bill would establish the CalConserve Water Use Efficiency Revolving Fund administered by the Department of Water Resources and would continuously appropriate moneys in the fund, without regard to fiscal year, to the department, for the purpose of water use efficiency projects. This bill would require moneys in the fund to be used for purposes that include at- or below-market interest rate loans and would permit the department to enter into agreements with local governments or investor-owned utilities that provide water or recycled water service to provide loans.	Watch	Assembly Committee on Water, Parks and Wildlife
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SB 729 (Lara)	Urban water management planning	Current law declares that certain provisions relating to urban water management planning are intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet current and future demands for water. This bill would make a technical, nonsubstantive change in those findings and declarations.	Watch	Senate Committee on Rules
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Drinking Water

AB 1 (Alejo)	Water quality: integrated plan: Salinas Valley	This bill would appropriate \$2,000,000 to the State Water Resources Control Board for use by the Greater Monterey County Regional Water Management Group (management group) to develop an integrated plan to address the drinking water and wastewater needs of disadvantaged communities in the Salinas Valley whose waters have been affected by waste discharge.	Watch	Assembly Committee on Appropriations
AB 21 (Alejo)	Safe Drinking Water Small Community Emergency Grant Fund	This bill would authorize the Department of Public Health to assess a specified annual charge in lieu of interest on loans for water projects made pursuant to the Safe Drinking Water State Revolving Fund, and deposit that money into the Safe Drinking Water Small Community Emergency Grant Fund, which the bill would create in the State Treasury.	Watch	Assembly Committee on Appropriations
AB 30 (Perea)	Water quality	Existing law authorizes the State Water Resources Control Board, until 2014, to assess a specified annual charge in connection with any financial assistance made pursuant to the revolving fund program and requires the proceeds generated from the imposition of that charge to be deposited in the State Water Pollution Control Revolving Fund Small Community Grant Fund. This bill would authorize the board to assess the charge without change unless the board determines that application of the charge is not consistent with federal requirements regarding the fund, at which time the board would be required to replace the charge with an identical interest rate.	Watch	Assembly Committee on Appropriations
AB 115 (Perea)	Safe Drinking Water State Revolving Fund	This bill would authorize the State Department of Public Health to fund projects, by grant, loan, or a combination of the two, where multiple water systems apply for funding as a single applicant for the purpose of consolidating water systems or extending services to households relying on private wells, as specified. The bill would authorize funding of a project to benefit a disadvantaged community that is not the applying agency.	Watch	Assembly Committee on Appropriations

AB 118 (ASM ES&TM)	Safe Drinking Water State Revolving Fund	This bill would authorize the State Department of Public Health to adopt interim regulations for purposes of implementing provisions relating to the Safe Drinking Water State Revolving Fund. The bill would require an applicant for funding to demonstrate that it has the technical, managerial, and financial capacity to operate and maintain its water system for at least 20 years.	Watch	Assembly Committee on Appropriations
AB 119 (ASM ES&TM)	Water treatment devices	This bill would require each manufacturer that offers for sale in California a water treatment device for which it makes a health or safety claim, as defined, to submit specified information, including the manufacturer's contact information, product identification information, and the specific contaminant claimed to be removed or reduced by the device, to the department for purposes of inclusion on the department's Internet website.	Watch	Set for hearing in Assembly Committee on Health on 04/09/2013
AB 1223 (Stone)	Safe drinking water act	Current law finds and declares, among other things, that over 95% of all large public water systems in California are in compliance with health-based action levels established by the State Department of Public Health for various contaminants, and that it is the intent of the legislature to establish a drinking water regulatory program to provide for the orderly and efficient delivery of safe drinking water within the state and to give the establishment of drinking water standards and public health goals greater emphasis and visibility. This bill would make technical, nonsubstantive changes to the latter provisions.	Watch	Read 1 st time
SB 772 (Emmerson)	Drinking water	This bill would require the State Department of Public Health or the local health agency, where applicable, annually to provide the address and telephone number for each public water system and state small water system to the Public Utilities Commission and, as prescribed, to a local agency formation commission.	Watch	Set for hearing in Senate Committee on Governance and Finance
Salton Sea				
AB 71 (Perez, V. Manuel)	Salton Sea restoration	This bill would require the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, to lead Salton Sea restoration efforts. This bill would require the secretary, in consultation and coordination with the authority, to form a technical advisory group, as prescribed, to provide guidance about evaluating, developing, or proposing future restoration or economic development activities.	Watch	Passed (15-0) Assembly Committee on Water, Parks and Wildlife 04-02-2013

[AB 147 \(Perez, V. Manuel\)](#)

Environment:
Salton Sea: dust
mitigation

This bill would require the Secretary of the Natural Resources Agency, upon the execution of an agreement with specified air quality management districts, to develop, in consultation with the State Air Resources Board and the Salton Sea Authority, a strategic plan, containing specified elements, to guide the implementation of a project to monitor and mitigate dust pollution created at the Salton Sea as a result of the implementation of the QSA.

Watch

Assembly
Committee on
Water, Parks and
Wildlife

[AB 148 \(Perez, V. Manuel\)](#)

Renewable energy:
Salton Sea

This bill would require the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, to establish a Salton Sea Renewable Energy and Biofuel Research and Development Program in the Salton Sea basin to meet high-priority economic and environmental goals by providing grants to facilitate research and the commercial development of renewable energy and biofuel resources.

Watch

Set for hearing in
Assembly
Committee on
Natural
Resources on
04/15/2013

Open Meeting

[AB 194 \(Campos\)](#)

Open meetings:
protections for
public criticism:
penalties for
violations

This bill would make it a misdemeanor for a member of a legislative body, while acting as the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the Ralph M. Brown Act. This bill would authorize a district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of the protection for public criticism is null and void.

Watch

Assembly
Committee on
Local
Government



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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

ORIGINATING SECTION: ADMINISTRATIVE SERVICES

CONTACT: JAVIA GREEN

AGENDA DATE: April 17, 2013

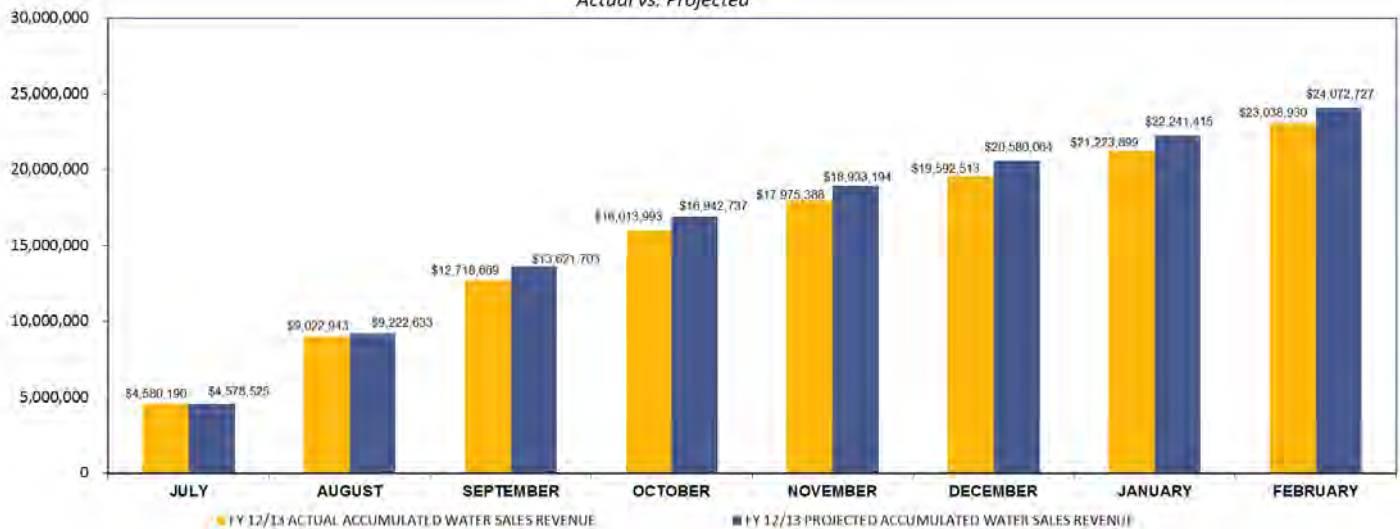
ITEM NO. **13d**

SUBJECT: Report on Water Sales and Connection Fee Revenue

Treated Water Sales

Treated water sales revenue funds water system operations (Fund 52) and capital projects (Fund 72). For fiscal year 2012/13 (FY 12/13), through the end of February 2013, 24,621 acre-feet of water was sold, resulting in actual sales of \$23M. This is 4.3% less than the projection of \$24M (from 26,188 acre-feet) for the same time frame. Actual water sales compared to projected sales through February 2013 is shown in Graph 1 below.

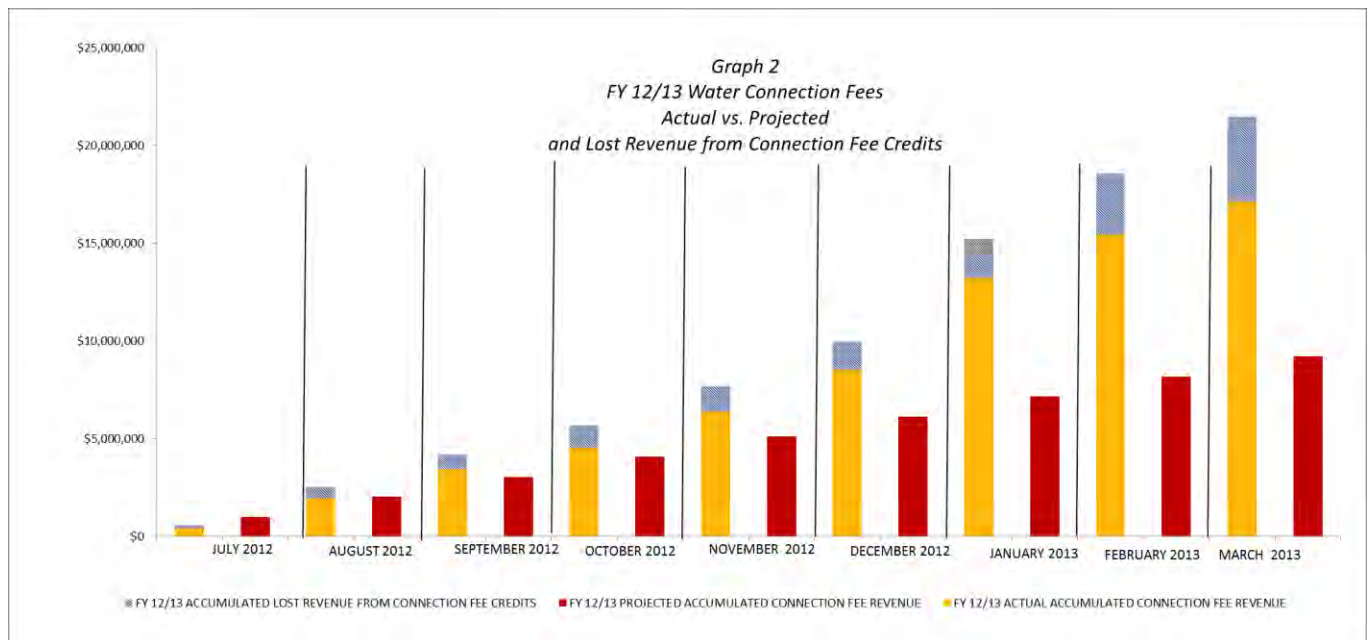
Graph 1
FY 12/13 Treated Water Sales
Actual vs. Projected



Connection Fees

Non-discretionary expenditures (fixed costs) for Fund 73 are close to \$20M annually. The expenditures include debt payments for the South Bay Aqueduct (SBA) Enlargement Project, Fourth Contractor's Share of the SBA and the Cawelo Groundwater Banking Program. While development activity is picking up, Staff continues to closely monitor cash flow and prepares quarterly updates of this fund to assure cash availability.

For FY 12/13, year-to-date (July 1, 2012 – March 31, 2013) connection fee revenue totals \$17M, which is \$4.8M more than the projection for the entire fiscal year of \$12.4M. A total of 188 connection fee credits were used totaling another \$4.3M, while 721 credits remain outstanding (valued at \$16.9M at the 2013 connection fee level). Actual connection fee revenue plus lost revenue from credits used for FY 12/13 compared to projected revenue is shown in Graph 2 below:



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 DIVISION: ADMINISTRATIVE SERVICES
CONTACT PERSON: JAVIA GREEN

AGENDA DATE: April 17, 2013

ITEM NO. **13e**

SUBJECT: Quarterly Update of Expansion Fund

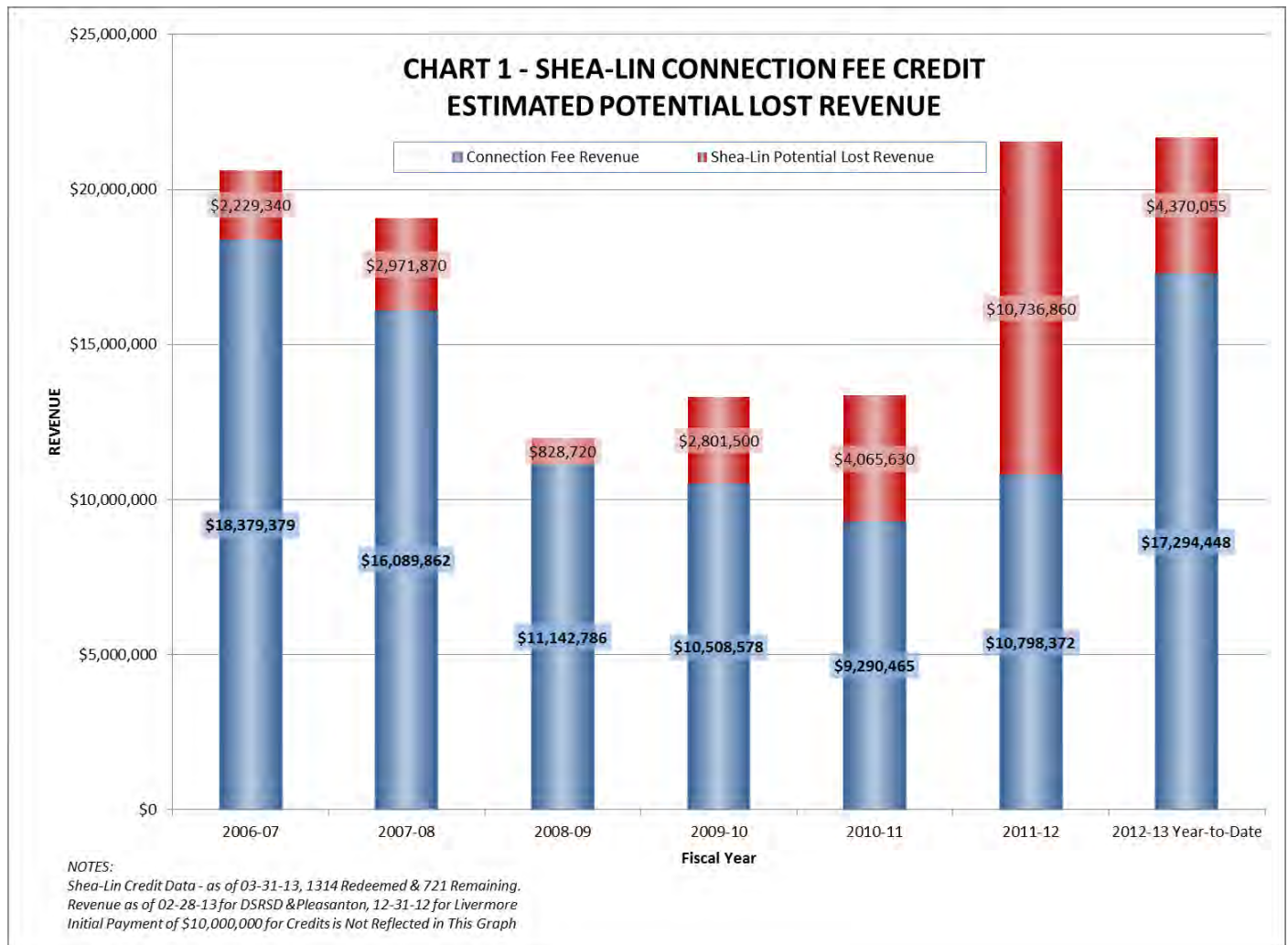
SUMMARY:

- A \$60 million (M) Installment Sale Agreement (ISA) was established with Wells Fargo Bank in January 2008, to fill a funding shortfall for the Altamont Water Treatment Plant and Pipeline Project. A portion of the project, the Altamont Pipeline - Livermore Reach, has been constructed. On February 17, 2010, Zone 7 drew \$30.5M from the ISA and payback is required by January 1, 2014.
- Staff prepares quarterly updates of this fund to assure cash availability for ISA payment by the end of 2013.
- Projected sources and uses of funds and year-end available funding through Fiscal Year 15/16 is as follows:

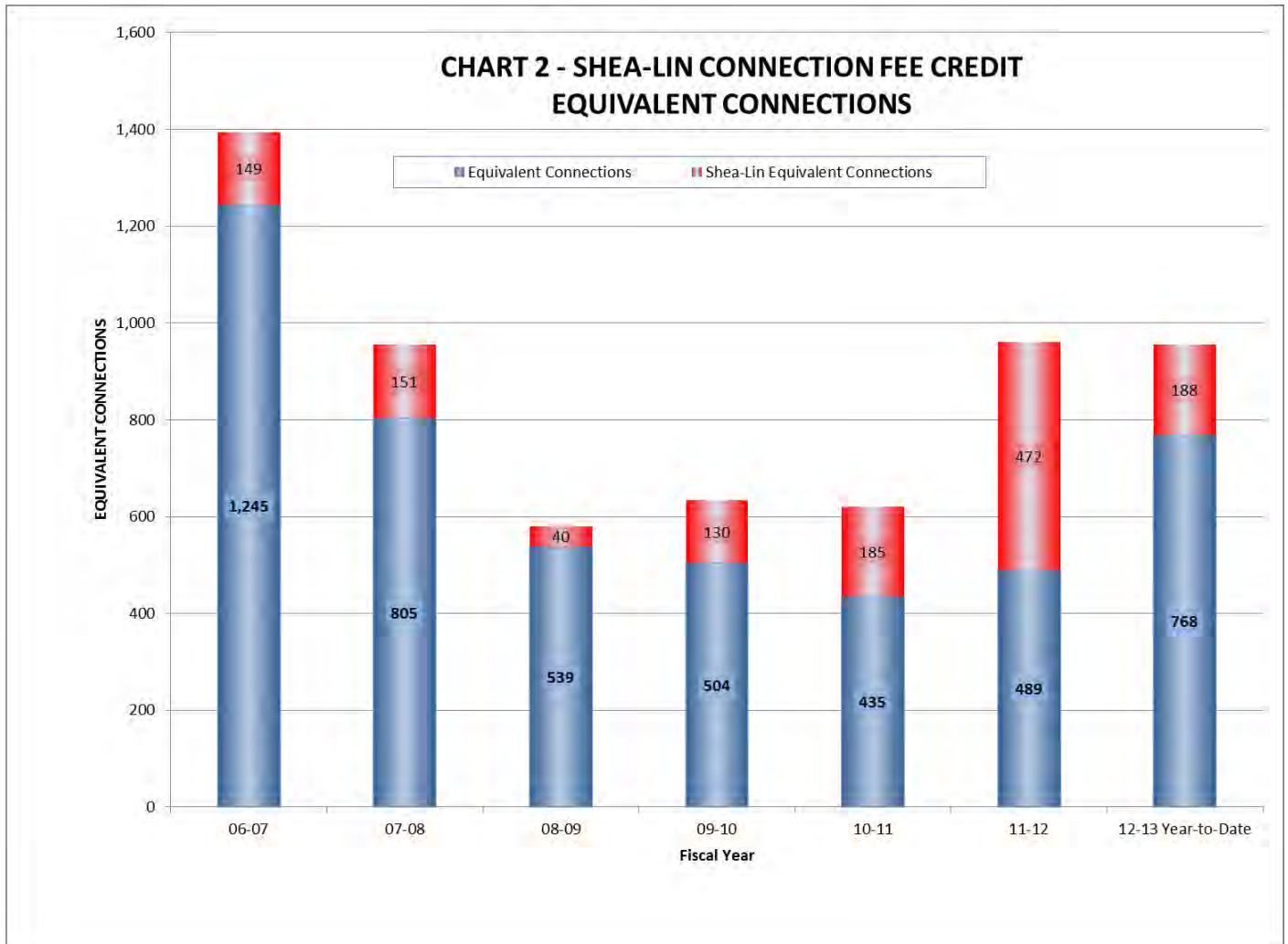
Fiscal Year	Actual/Projected Equivalent Connections ¹	Actual/Projected Total Revenue ¹	ISA Draw/Payback	Actual/Projected Expenses ¹	Projected End of Year Available Funding ²
10/11	435	\$11,860,555		\$16,172,443	\$46,800,014
11/12	489	\$12,978,389		\$16,990,978	\$42,787,426
12/13 ³	840	\$20,997,628		\$20,115,661	\$43,669,392
13/14 ⁴	760	\$24,602,006	(\$30,503,481)	\$22,262,874	\$15,505,043
14/15 ⁴	840	\$24,970,601		\$25,445,877	\$15,029,767
15/16 ⁴	1930	\$53,441,484		\$31,870,845	\$36,600,407

1. FY 10/11 and FY 11/12 equivalent connections, revenue and expenses are based on actuals. Total revenue shown includes connection fee revenue and other revenue such as interest income and refunds from the Department of Water Resources.
2. Represents the sum of net available funds from cash and ISA after expenses, excluding designated reserves.
3. FY 12/13 projections have been revised based on year-to-date actuals (768 connections) plus the projection for the remainder of the fiscal year (72 connections).
4. Projected number of connections, revenue and expenses are based on the FY 12/13 Ten-Year Water System CIP and the 2011 Municipal and Industrial Water Connection Fee Report adopted by the Zone 7 Board on October 19, 2011.

- Based on these revenue and expenditure projections, staff anticipates sufficient funding to pay off the ISA by January 1, 2014. As a contingency, staff has begun evaluating funding options in event that connection fee revenue does not materialize as projected. Staff's preliminary analysis includes inter-fund borrowing and exploring additional financing options with Wells Fargo. Staff plans to bring forward a recommendation to the Finance Committee within a few months.
- Connection Fee Credits**
Per the Chart 1 below, 721 connection fee credits are outstanding (\$16.9M at the 2013 connection fee level). Since developers are not required to pay the Zone 7 connection fee at the same time the retailer's fee is paid, it is difficult to predict exactly when Zone 7 can expect revenues from these connections or if they will be redeemed as credits. Staff will continue tracking the use of the connection fee credits and provide updates to the Board monthly as part of the staff revenue report.



Equivalent connections for the chart above are shown in Chart 2 below.



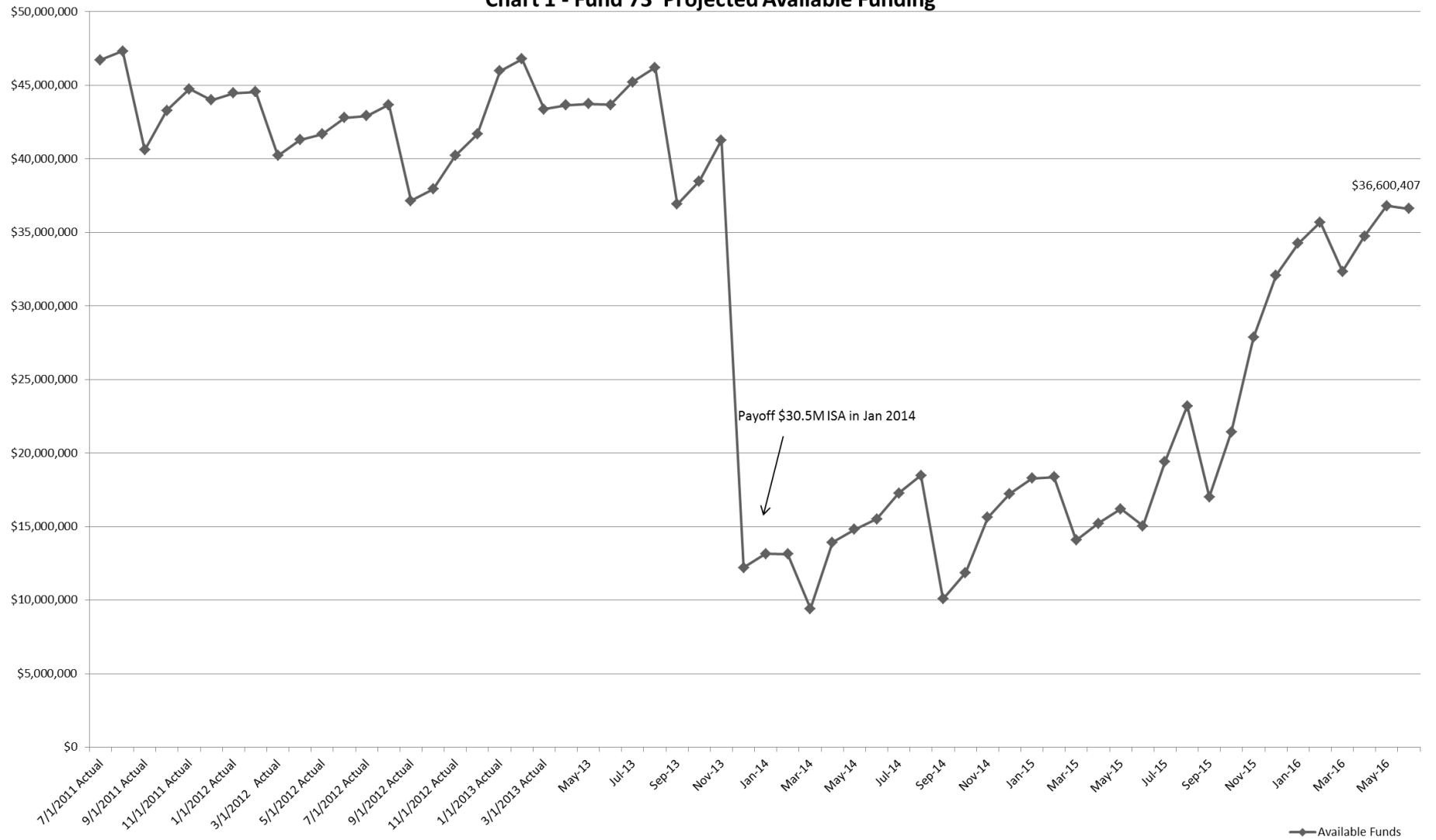
RECOMMENDED ACTION:

Information only.

ATTACHMENT:

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

Chart 1 - Fund 73 Projected Available Funding



Fund 73 Cash Flow Tables

[illegible]

FY 11/12 Key Data:	Projected Connection Fee Revenue:	\$ 8,501,965	Projected Expenditures	\$ 17,613,418
	Actually Received	\$ 10,798,372	Actually Spent	\$ 16,990,978
	% of Actual to Projected	127%	Actually Encumbered	\$ 288,701
			% of Actual to Projected	98%

[illegible]

FY 12/13 Key Data:	Projected Connection Fee Revenue:	\$ 12,382,587	Projected Expenditures	\$ 20,115,661
	Actually Received	\$ 17,135,543	Actually Spent	\$ 17,538,181
	% of Actual to Projected	138%	Actually Encumbered	\$ 454,525
			% of Actual to Projected	89%

[illegible][illegible]

[illegible]