

Board Meeting Agenda

***November 10, 2016 at 10:00 a.m.
156 S. Broadway, Turlock, CA
2nd Floor – Yosemite Conference Room***

Chair Gary Soiseth	Vice Chair Chris Vierra	Director Ken Lane	Director Amy Bublak
Interim General Manager Michael Brinton	Board Secretary Tish Foley		Interim General Counsel Phaedra A. Norton

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Stanislaus Regional Water Authority (SRWA) meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, contact the Board Secretary. The Board is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the Board to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the Board on any item appearing on the agenda, including Consent Calendar and Scheduled items, before or during the Board's consideration of the item.

AGENDA PACKETS: Prior to the Stanislaus Regional Water Authority Board meeting, a complete Agenda Packet is available for review on the SRWA's website at www.stanrwa.org and in the Board Secretary's Office at 156 S. Broadway, Suite 270, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Board after distribution of the Agenda Packet are also available for public inspection in the Board Secretary's Office. Such documents may be available on the SRWA's website subject to staff's ability to post the documents before the meeting.

1. **A. CALL TO ORDER**
- B. SALUTE TO THE FLAG**
2. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS:** None
3. **A. SPECIAL BRIEFINGS:** None
- B. STAFF UPDATES**
 1. Interim General Manager Updates (*Brinton*)
 2. Finance Director Report (*Jacobs-Hunter*)
- C. CONSULTANT UPDATES:**
 1. West Yost Associates will provide the Board with a project status update. (*Nakano*)
- D. PUBLIC PARTICIPATION:** This time is set aside for members of the public to directly address the Board on any item of interest to the public that is within the subject matter jurisdiction of the SRWA and on any item on the agenda, including Consent Calendar items. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Board addresses the matter. No action or discussion may be undertaken on any item not appearing on the posted agenda, except that the Board may refer the matter to staff or request it be placed on a future agenda.
4. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

5. CONSENT CALENDAR

Information concerning the consent items listed hereinbelow has been forwarded to each Board member prior to this meeting for study. Unless the Chair, a Board member or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Board. The action taken by the Board in approving the consent items is set forth in the explanation of the individual items.

A. *Motion:* Accepting minutes of Special Meeting of October 20, 2016

B. *Resolution:* Adopting a Conflict of Interest Code for the Stanislaus Regional Water Authority Board containing Designated Positions and Disclosure Categories for filing their Conflict of Interest Statement (Form 700)

6. PUBLIC HEARINGS: None.

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board at, or prior to, the public hearing.

7. SCHEDULED MATTERS

A. Request to accept Technical Memorandum dated October 27, 2016 – Land Surveying and Acquisition Services recommendation to proceed with professional land surveying and Right of Way appraisal and acquisition services required for the construction, operation and maintenance of the Surface Water Supply Project pumping and conveyance pipelines. (*West Yost Associates*)

Recommended Action:

Motion: Accepting Technical Memorandum dated October 27, 2016 – Land Surveying and Acquisition Services recommendation to proceed with professional land surveying and right-of-way appraisal and acquisition services required for the construction, operation and maintenance of the Surface Water Supply Project pumping and conveyance pipelines

B. Request to accept the Right of Way Management Plan (which has been reviewed and recommended to the Board for discussion and possible acceptance) which details anticipated right-of-way acquisition activities for the project facilities including the treatment plan site, raw water pump station, raw water and finished water transmission facilities. (*West Yost Associates*)

Recommended Action:

Motion: Accepting the Right of Way Management Plan which details anticipated right-of-way acquisition activities for the project facilities including the treatment plan site, raw water pump station, raw water and finished water transmission facilities

C. Request to accept Technical Memorandum dated November 1, 2016, concurring with the TAC recommended methodology for allocating Project costs associated with the Stanislaus Regional Water Authority (SRWA) Surface Water Supply Project. The current participants in the Project cost sharing include the cities of Ceres and Turlock, and the Turlock Irrigation District for shared facilities associated with District Delivery Facilities, as defined in the SRWA/TID Water Sales Agreement. (*West Yost Associates*)

Recommended Action:

Motion: Accepting Technical Memorandum dated November 1, 2016, concurring with the TAC recommended methodology for allocating Project costs associated with the Stanislaus Regional Water Authority (SRWA) Surface Water Supply Project. The current participants in the Project cost sharing include the cities of Ceres and Turlock, and the Turlock Irrigation District for shared facilities associated with District Delivery Facilities, as defined in the SRWATID Water Sales Agreement

- D. Request to approve Amendment No. 2 to the Agreement for Special Services with West Yost Associates for Raw Water Sampling and Analysis for an amount Not to Exceed \$255,232; Land Surveying and Support Services for an amount Not to Exceed \$298,198; and Right of Way Acquisition Services for an amount Not to Exceed \$169,461; for a total amount of \$722,891. (*Brinton*)

Recommended Action:

Motion: Approving Amendment No. 2 to the Agreement for Special Services with West Yost Associates for Raw Water Sampling and Analysis for an amount Not to Exceed \$255,232; Land Surveying and Support Services for an amount Not to Exceed \$298,198; and Right of Way Acquisition Services for an amount Not to Exceed \$169,461; for a total amount of \$722,891

Resolution: Appropriating \$722,891 to account number 950-53-552.43060_012 "Contract Services – Program Management Services" to be funded via equal contributions from SRWA participating agencies

8. **MATTERS TOO LATE FOR THE AGENDA:** The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:
- 1) When a majority decides there is an "emergency situation" (as defined for emergency meetings).
 - 2) When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action "came to the attention of the local agency subsequent to the agenda being posted." This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A "new" need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
 - 3) When an item appeared on the agenda of and was continued from a meeting held not more than five days earlier. A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process. First, make two determinations: (a) that there is an immediate need to take action, and (b) that the need arose after the posting of the agenda. The matter is then "placed on the agenda." Second, discuss and act on the added agenda item.
9. **BOARD ITEMS FOR FUTURE CONSIDERATION**
10. **BOARD COMMENTS:** Board members may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.
11. **NEXT MEETING DATE:** December 8, 2016 – Regular Meeting. (*Note: The Regular Meeting scheduled for November 24, 2016, will be cancelled.*)
12. **CLOSED SESSION:** None.
13. **ADJOURNMENT**

Item 3.B.1

November 10, 2016

To: SRWA Board

From: Michael Brinton, Interim General Manager

Subject: Interim General Manager Report

The members of the Technical Advisory Committee (TAC) have continued to meet with West Yost Associates and their sub-consultants on various items in preparation of the design of the raw water supply infrastructure, water treatment facility, treated water transmission mains and local distribution systems. The items covered since the last SRWA Board meeting includes the following:

- Continued preparation of SRF General Application package
- Met with Department of Water Resources on October 21 to discuss funding opportunities.
- Contacted RWQCB regarding permitting requirements for discharge of infiltration gallery development and testing water to the Tuolumne River.
- Began discussions with sub-consultants for necessary survey services and right-of-way acquisition services.
- Conducted a cost sensitivity analysis for a potentially smaller 15 mgd WTP project and corresponding revised infrastructure requirements.
- Provided coordination for first source water characterization sampling event.
- Developed AB 52 mailing list for MND and EIR
- Conducted inventory of Valley Elderberries at infiltration gallery/wet well site.
- Completed application for SRWA membership in ACWA.

Mr. Nakano will provide a more in depth review of these items. I will be happy to answer any questions.



STANISLAUS REGIONAL WATER AUTHORITY

156 S. Broadway, Ste. 270, Turlock, CA 95380
(209) 668-5490 (phone) (209) 668-5695 (fax)

October 20, 2016 at 10:00 a.m.
156 S. Broadway, Turlock, CA
2nd Floor – Yosemite Community Room

DRAFT Minutes
Special Meeting
SRWA Board

1. **A. CALL TO ORDER:** Chair Soiseth called the meeting to order at 10:05 a.m.
PRESENT: Director Bublak, Director Lane, Chair Soiseth
ABSENT: Vice Chair Vierra

B. SALUTE TO THE FLAG
2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:** None
3. **A. SPECIAL BRIEFINGS:** None

B. STAFF UPDATES:
 1. Interim General Manager Mike Brinton provided an update of items discussed at recent Technical Advisory Committee (TAC) meetings, including meeting with Horizon Environmental to refine the environmental component in the overall Project schedule; meeting with the Department of Water Resources and California Water Commission to discuss funding opportunities; coordination with TID to conduct geotechnical borings at the wet well site; ROW acquisition proposal and Management Plan review; and preparing outreach to RWQCB for discharge of infiltration gallery development and testing water to Tuolumne River. See Item C.2. below for update from Horizon Environmental.
 2. Finance Director Kellie Jacobs-Hunter provided information on revenue and expenditures for Fiscal Year 2016-17 through October 19, 2016.
- C. CONSULTANT UPDATES:**
 1. West Yost Associates Gerry Nakano provided a project status update including the following: Developing an order of magnitude Project cost estimate; evaluating what local facilities are required to integrate Phase 1 treated water supplies; and continuing to refine the Project schedule. Project schedule milestones were reviewed with May of 2022 slated as the proposed date operations will commence. The Board discussed the timeline concerns and points during the Project where other Cities may join in.
 2. Horizon Environmental Michael Stevenson briefed the Board on the recent site visit to clarify any issues regarding the Infiltration Gallery and Wet Well requirements and possible mitigations required for the Project to develop the Raw Water Pipeline. Swainson's Hawks nesting in close proximity to the Project will be monitored and it is not expected to be a major impact. Cultural resource survey protocols will be followed. Key permit requirements are being evaluated and Fish and Wildlife, National Fishery Service opinions and concurrences will be sought in advance.
- D. PUBLIC PARTICIPATION:** None

4. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

5. CONSENT CALENDAR:

Action: Motion by Director Bublak, seconded by Director Lane, to adopt the consent calendar. Motion carried 3/1 by the following vote:

Director Lane	Director Bublak	Vice Chair Vierra	Chair Soiseth
Yes	Yes	Absent	Yes

A. Motion: Accepting minutes of Special Meeting of October 6, 2016.

6. PUBLIC HEARINGS: None

7. SCHEDULED MATTERS:

A. West Yost Associates Gerry Nakano presented the report on the request to concur with the recommendation to proceed with Source Water Bench-Scale Testing to evaluate and refine available treatment process alternatives. "Information gaps" have been identified in the available water quality data, therefore, to further evaluate and refine available treatment process alternatives that remain under consideration, source water bench scale testing is being recommended. Specialized testing will be conducted by Trussell Technologies at a total cost of \$255,232. Although bench testing activities were identified as optional tasks in West Yost's original scope of work, the costs were not included because the actual testing recommendations could not have been determined until subsequent review of historical source water quality and preliminary evaluation of treatment process alternatives. Upon Board approval, a budget adjustment request will be brought forward at a future Board meeting.

Chair Soiseth opened public participation. There being no public response, Chair Soiseth closed public participation.

Action: Motion by Director Lane, seconded by Director Bublak, concurring with the recommendation to proceed with Source Water Bench-Scale Testing to evaluate and refine available treatment process alternatives. Motion carried 3/1 by the following vote:

Director Lane	Director Bublak	Vice Chair Vierra	Chair Soiseth
Yes	Yes	Absent	Yes

B. Finance Director Kellie Jacobs-Hunter presented the staff report requesting to appoint members to a Temporary (Ad Hoc) Advisory Audit Committee for the 2015-16 fiscal year financial audit process. Auditors Maze and Associates have advised staff that part of their annual audit process is to communicate certain aspects of the audit process with the Board. In keeping with the requirements of the Brown Act, a Temporary (Ad Hoc) Advisory Audit Committee will be established. The Committee's role will be limited to the 2015-16 Fiscal Year audit process and it will be dissolved once its task is complete. Meetings will be scheduled and held before the end of 2016. Director Bublak volunteered to serve as one member of the Ad Hoc Committee. Chair Soiseth appointed Vice Chair Vierra as the second member.

Chair Soiseth opened public participation. There being no public response, Chair Soiseth closed public participation.

Action: Motion by Director Lane, seconded by Director Bublak, appointing Vice Chair Vierra and Director Bublak as members to a Temporary (Ad Hoc) Advisory Audit Committee for the 2015-16 fiscal year financial audit process. Motion carried 3/1 by the following vote:

Director Lane	Director Bublak	Vice Chair Vierra	Chair Soiseth
Yes	Yes	Absent	Yes

C. Request to adopt a Resolution stating the Stanislaus Regional Water Authority Board’s opposition to the Draft Substitute Environmental Document (SED) released by the State Water Resources Control Board in support of updating the Bay-Delta Water Quality Control Plan.

Chair Soiseth announced this item would be continued to a future Board meeting.

D. Finance Director Kelly Jacobs-Hunter presented the staff report requesting the Board delegate authority to the Interim General Manager, Finance Director, and representatives from each Participant City to approve budget transfer requests by SRWA consultants/contractors. The transfers will not be used to change the total amount of the contract and will only move funds within the designated line items. This action does not change the Board’s approval limits.

Chair Soiseth opened public participation. There being no public response, Chair Soiseth closed public participation.

Action: **Resolution 2016-008** delegating authority to the Interim General Manager, Finance Director, and representatives from each Participant City to approve budget transfer requests by SRWA consultants/contractors was introduced by Director Bublak, seconded by Director Lane, and carried 3/1 by the following vote:

Director Lane	Director Bublak	Vice Chair Vierra	Chair Soiseth
Yes	Yes	Absent	Yes

8. **MATTERS TOO LATE FOR THE AGENDA:** None

9. **BOARD ITEMS FOR FUTURE CONSIDERATION:** None

10. **BOARD COMMENTS:** None

11. **NEXT MEETING DATE:** November 10, 2016 – Regular Meeting. The Regular Meeting scheduled for October 27, will be canceled.

12. **CLOSED SESSION:** None

13. **ADJOURNMENT:** Motion by Director Lane, seconded by Director Bublak, to adjourn at 10:56 a.m. Motion carried 3/1.

RESPECTFULLY SUBMITTED

Tish Foley, Board Secretary

From: Phaedra N. Norton, Interim Legal Counsel

Prepared by: Tish Foley, Board Secretary

1. ACTION RECOMMENDED:

Resolution: Adopting a Conflict of Interest Code for the Stanislaus Regional Water Authority Board containing Designated Positions and Disclosure Categories for filing their Conflict of Interest Statement (Form 700)

2. DISCUSSION OF ISSUE:

The Political Reform Act and the Fair Political Practices Commission (FPPC) **Government Code Sections 81000, et seq.**, requires each public agency, including the Stanislaus Regional Water Authority (SRWA), to adopt a Conflict of Interest Code. The FPPC regulations provide a model Conflict of Interest Code.

A Conflict of Interest Code must provide:

- reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- to each affected person a clear and specific statement of his or her duties under the conflict of interest code; and
- adequate differentiation between designated employees with different powers and responsibilities.

A Conflict of Interest Code must include:

1. **Incorporation Section (Terms of the Code)** – This section designates where the Form 700s are filed and retained (i.e., the agency or the FPPC). This section also must reference Regulation 18730, which provides the rules for disqualification procedures, reporting financial interests, and references the current gift limit.
2. **List of Designated Positions** – The code must list all agency positions that involve the making or participation in making of decisions that “may foreseeably have a material effect on any financial interest.” This covers agency members, officers and employees, and it may include volunteers on a committee if the members make or participate in making government decisions.
3. **Detailed Disclosure Categories** – A disclosure category is a description of the types of financial interests officials must disclose on their Form 700s. The categories must be tailored to the financial interests affected, and must not require public officials to disclose private financial information that does not relate to their public employment.

It is essential and legally required that an agency’s Conflict of Interest Code reflect the current structure of the agency and properly identifies all officials and employees who should be filing a Form 700. To ensure the codes remain current and accurate, each

agency is required to review its Conflict of Interest Code at least every other year, state agencies in odd-numbered years and local agencies in even-numbered years.

There are five types of interests that may result in disqualification:

1. **Business Entity.** A business entity in which the official has an investment of \$2,000 or more in which he or she is a director, officer, partner, trustee, employee, or manager.
2. **Real Property.** Real property in which the official has an interest of \$2,000 or more including leaseholds. (However, month-to-month leases are not considered real property interests.)
3. **Income.** An individual or an entity from whom the official has received income or promised income aggregating to \$500 or more in the previous 12 months, including the official's community property interest in the income of his or her spouse or registered domestic partner.
4. **Gifts.** An individual or an entity from whom the official has received gifts aggregating to \$460 or more in the previous 12 months.
5. **Personal Finances.** The official's personal finances including his or her expenses, income, assets, or liabilities, as well as those of his or her immediate family.

The Fair Political Practices Commission's Model Code is attached to the proposed Resolution as Appendix "A" and sets forth the designated positions and the disclosure categories for each position of the SRWA. Each agency defines its own disclosure categories for each position based on the type and scope of work performed.

Persons holding designated positions listed in the Code shall file Statements of Economic Interest pursuant to **Section 5 of the Conflict of Interest Code** with the information required for the disclosure category assigned to them. .

By attached Resolution, the SRWA is adopting a Conflict of Interest Code which contains designated positions and disclosure categories. Upon adoption, the SRWA's Board Secretary will be designated as the filing officer for reports required to be filed pursuant to the Conflict of Interest Code.

3. FISCAL IMPACT / BUDGET AMENDMENT:

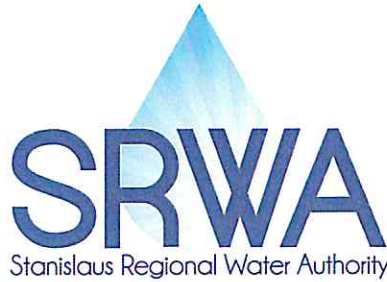
The adoption of this Resolution will not impact the adopted budget.

4. INTERIM GENERAL MANAGER'S COMMENTS:

Recommend approval based on the requirements of the California Government Code Section and Article XXXII of the Joint Powers Authority Agreement and Article VII of the Bylaws.

5. ENVIRONMENTAL DETERMINATION: N/A

6. ALTERNATIVES: None.



BEFORE THE BOARD OF THE STANISLAUS REGIONAL WATER AUTHORITY

**IN THE MATTER OF ADOPTING A }
CONFLICT OF INTEREST CODE FOR }
THE STANISLAUS REGIONAL WATER }
AUTHORITY BOARD CONTAINING }
DESIGNATED POSITIONS }
AND DISCLOSURE CATEGORIES }
FOR FILING THEIR CONFLICT OF }
INTEREST STATEMENT (FORM 700) }**

RESOLUTION NO. 2016-xxx

WHEREAS, Government Code section 87300 requires each local public agency to adopt and promulgate a local Conflict of Interest Code pursuant to the Political Reform Act; and

WHEREAS, the Stanislaus Regional Water Authority is a separate public agency, the Authority must adopt its own Conflict of Interest Code; and

WHEREAS, the state Fair Political Practices Commission (FPPC) has adopted a model local agency Conflict of Interest Code (California Code of Regulations, title 2, section 18730) that may be adopted by reference; and

WHEREAS, the Authority desires to adopt the FPPC model code together with the accompanying Authority Appendix of Designated Positions and Disclosure Categories as the Authority Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Stanislaus Regional Water Authority as follows:

1. The terms of the California Code of Regulations, title 2, section 18730, as set forth in the attached Appendix A, and any amendments to section 18730 duly adopted by the FPPC, are hereby adopted and incorporated by reference as the main body of the Authority Conflict of Interest Code.
2. The list of Designated Positions and Disclosure Categories attached as Appendix B is hereby adopted as the Appendix of Designated Positions and Disclosure Categories to accompany section 18730.
3. Designated officers, positions and consultants shall file Statements of Economic Interests (FPPC Form 700) with the Authority Secretary who will make the statements available for public inspection and copying.

4. This Conflict of Interest Code shall not take effect until the Stanislaus County Board of Supervisors approves it in its capacity as code reviewing body under the Political Reform Act. The Secretary is hereby authorized and directed to submit a certified copy of this Resolution with Appendices to the Board of Supervisors and request approval of the Conflict of Interest Code.

5. After approval by the Stanislaus County Board of Supervisors, this Resolution and Appendices A and B shall constitute the Conflict of Interest Code of the Stanislaus Regional Water Authority.

PASSED AND ADOPTED at a regular meeting of the Board of the Stanislaus Regional Water Authority this 10th day of November, 2016, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

Tish Foley, Board Secretary

APPENDIX A
STANISLAUS REGIONAL WATER AUTHORITY
CONFLICT OF INTEREST CODE

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq . The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq .

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies. ¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories

are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$460.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected

officer has been elected or over which that elected officer's agency has direction and control.

This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be

made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and

dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).

Certificate of Compliance included.

2. Editorial correction (Register 80, No. 29).

3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).

4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).

5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).

6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).

7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).

17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third

Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate

District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

APPENDIX B

STANISLAUS REGIONAL WATER AUTHORITY

DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

Designated Positions. The officers and positions listed below are designated as persons who are deemed to make, or participate in the making of, decision that may have a material effect on a financial interest. Persons holding designated positions listed below shall disclose interests and investments in accordance with the corresponding disclosure categories as defined below.

Designated Position	Disclosure Categories
Technical Advisory Committee Members	1, 2, 3
General Manager	1, 2, 3
Secretary	1, 2, 3
General Counsel	1, 2, 3
Consultant	1, 2, 3

Authority Jurisdiction. For purposes of this Conflict of Interest Code, the geographical jurisdiction of the Authority is defined as the combined territory of (a) the City of Ceres, and (b) the City of Turlock.

Disclosure Categories. The disclosure categories are defined as follows:

Category 1: All persons in this disclosure category shall disclose all interests in real property located in the Authority jurisdiction or within two (2) miles of the Authority jurisdiction. This disclosure category is not application to the person's principal residence or real property interests with a fair market value of less than One Thousand Dollars (\$1,000).

Category 2: All persons in this disclosure category shall disclose all investments in business entities that have an interest in real property located in the Authority jurisdiction or that have done business with the Authority during the year prior to the date of the person's disclosure statement, or that are likely to do business with the Authority during the year subsequent to the date of the person's disclosure statement. This disclosure category is not applicable to investments with a fair market value of less than One Thousand Dollars (\$1,000).

Category 3: All persons in this disclosure category shall disclose all sources of personal income and business entity income that are located within the Authority jurisdiction. This disclosure category is not applicable to income received from the Authority.

Public Officials Who Are Listed in Gov. Code Section 87200. The following positions are not covered by this Conflict of Interest Code because individuals holding these positions must file under Government Code Section 87200. These positions are for informational purposes only:

- Chair
- Vice Chair
- Directors
- Interim General Counsel

Consultants. “Consultant” means an individual who, pursuant to a contract with the Authority, either:

(A) Makes a governmental decision whether to:

1. Approve a rate, rule, or regulation;
2. Adopt or enforce a law;
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
4. Authorizes the Authority to enter into, modify, or renew a contract provided it is the type of contract that requires Authority approval;
5. Grant Authority approval to a contract that requires Authority approval and to which the Authority is a party, or to the specifications for such a contract;
6. Grant Authority approval to a plan, design, report, study, or similar item; or
7. Adopt or grant Authority approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the Authority and in that capacity participates in making a governmental decision as defined in California Code of Regulations, title 2, section 18702.2, or performs the same or substantially all the same duties for the Authority that would otherwise be performed by an individual holding a position specified in the Authority’s Conflict of Interest Code. (California Code of Regulations, title 2, section 18701(a)(2).)

“Consultants” are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the Authority’s Conflict of Interest Code, subject to the following limitations:

(A) The Project Manager (or, if that position is vacant, the Technical Advisory Committee) may determine in writing that a particular consultant, although a “consultant” and a “designated position,” nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to fully comply with the disclosure requirements described in this section.

(B) The Project Manager’s (or Technical Advisory Committee’s) written determination shall include a description of the consultant’s duties, and, based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and shall be retained for public inspection in the same manner and location as the Authority’s Conflict of Interest Code.

Officials Who Manage Public Investments. The Authority has determined that the positions of Director and Treasurer/Auditor manage public investments within the meaning of Government Code section 87200 and California Code of Regulations, title 2, section 18701, and that persons holding these positions must file statements of economic interests (FPPC Form 700) pursuant to the state Political Reform Act instead of the Authority Conflict of Interest Code.

From: West Yost Program Management Team

Prepared by: Nancy McWilliams, West Yost Associates

1. ACTION RECOMMENDED:

Motion: Accepting the Technical Memorandum dated October 27, 2016, recommendation to proceed with professional land surveying and right-of-way appraisal and acquisition services required for the construction, operation and maintenance of the Surface Water Supply Project pumping and conveyance pipelines.

2. DISCUSSION OF ISSUE:

To prepare the preliminary design and acquire the rights of way that are needed for the construction, operations and maintenance of the Surface Water Supply Project pumping and conveyance pipelines, land surveying and right of way appraisal and acquisition services will be required.

Land Surveying Services

Land surveying work includes all work necessary to provide land description packages to support the acquisition of 8 permanent easements and 12 temporary construction easements, establish survey control, and topographic mapping for the entire project including the raw water pipelines, treatment plant site, and approximately 12.25 miles of finished water transmission main alignments.

The land survey company being recommended by the TAC and PM Team, GDR Engineering, has similar experience, is local to the project (located in Ceres), and brought value in the scope and fee presented. The requested budget for GDR Engineering to complete the surveying work as a subconsultant to West Yost Associates is \$253,924.

West Yost will support the land surveying services by providing easement locations, reviewing title reports and land descriptions packages, and verifying quality of survey work.

Right-of-Way Appraisal and Acquisition Services

Right-of-way appraisal and acquisition services includes all work necessary to acquire permanent easements and temporary construction easements over eight parcels including developing necessary documents, appraising properties including restorative and crop loss costs, negotiating with property owners, and support for title and escrow services.

The right-of-way appraisal and acquisition company being recommended by the TAC and PM Team, Associated Right of Way Services, has public works right-of-way experience, is currently on the City of Turlock's on-call list and presented the most reasonable anticipated level of effort and schedule. The requested budget for Associated Right of Way Services, to complete the appraisal and acquisition work as a subconsultant to West Yost Associates is \$111,705.

West Yost will support the right-of-way appraisal and acquisition services by providing coordinating work between surveyor and appraiser, meeting with critical stakeholders, reviewing appraisals and all written offers, coordinating with the TAC, and assisting with escrow instructions.

3. FISCAL IMPACT / BUDGET AMENDMENT:

No budget augmentation is being requested at this time, however if this item is approved by the Board, a separate budget augmentation request will be forthcoming.

The total requested budget amendment for the activities described above is shown in Table 1. These costs were not included in West Yost's original scope of work/agreement because the alignments had not been determined and the easements had not been identified.

TABLE 1 - SUMMARY OF COSTS			
Professional Services	West Yost	Subconsultant including markup	Total
Land Surveying – GDR Engineering	\$ 44,274	\$ 253,924	\$ 298,198
Right of Way Acquisition – AR/WS	\$ 57,756	\$ 111,705	\$ 169,461
Total Authorization	\$ 102,030	\$ 365,629	\$ 467,659

4. INTERIM GENERAL MANAGER'S COMMENTS:

Supports moving forward with the award of subcontracts to GDR Engineering and Associated Right of Way Services and associated budget amendments.

5. ENVIRONMENTAL DETERMINATION: N/A

6. ALTERNATIVES: None



MEMORANDUM

DATE: October 27, 2016 Project No.: 693-20-116-01
SENT VIA: EMAIL
TO: SRWA TAC
FROM: Nancy McWilliams, PE, RCE #68331
REVIEWED BY: Gerry Nakano, PE, RCE #29524
SUBJECT: Land Surveying and Right-of-Way Acquisition Services

To prepare the preliminary design and acquire the rights-of-way that are needed for the construction, operations and maintenance of the Surface Water Supply Project (Project) pumping and conveyance pipelines, land surveying and right-of-way appraisal and acquisition services will be required. Details of these services are described below.

PROFESSIONAL LAND SURVEYING SERVICES

West Yost Associates (West Yost) solicited proposals from three firms including GDR Engineering (GDR), Hawkins & Associates (Hawkins), and O'Dell Engineering (O'Dell) for land surveying services associated with the Project, and received responses from all three.

The proposals were reviewed and ranked based on qualifications prior to review of the cost proposals, with consistent ranking results from all three reviewers. All three were qualified, but GDR was the top ranked candidate for the proposed services. In addition, GDR is located in Ceres, their project experience appears to reflect what is required for this project, and they provided a lot of value in their proposed scope and fee.

Following our initial conversation with the TAC, we received some survey information from the City of Turlock (City) that coincides with approximately 6,900 feet of the Turlock Finished Water Transmission Main alignment. Although the survey information will be useful for the pre-design efforts it is recommended that survey for this portion not be eliminated from the surveyor's contract for the following reasons:

- The existing survey is on the NGVD 29 datum, and the proposed survey is planned to be on the NAVD 88 datum. In order to merge the data from both surveys, the City's survey points would be adjusted mathematically by 2.320 to 2.313 feet depending on the location.
- The City's survey appears to include cross-sections at 200 foot intervals plus surface visible utilities. The proposed aerial mapping to be conducted by the surveyor will provide continuous mapping for a 100-foot-wide strip including additional fences and trees that are not currently shown on the City's survey.

- Because there is some liability attached to the survey, GDR's potential use of the City's survey would require some effort to check and supplement the City's survey. The calculated savings for cutting the 6,900 feet would be a little less than \$5,000 before considering the effort necessary to join the surveys.

GDR's survey scope of work includes the following:

- Project management and meetings
- Obtaining and reviewing title reports necessary to resolve boundaries and preparing a boundary basement for the proposed alignment
- Coordination with property owners for setting flight crosses
- Monument preservation in accordance with Section 8771 of the California Business and Professions Code, including all necessary coordination with Stanislaus County
- Preparation of appraisal maps, and coordination with appraiser to locate easement in the field
- Preparation of plat maps and legal descriptions
- Establishing horizontal and vertical control
- Aerial photography
- Topographic mapping

In support of the survey work, West Yost will provide the following services (which are not currently in our approved Phase 1 scope of work):

- Manage survey sub-consultant
- Provide locations of proposed easements
- Review title reports
- Review appraisal maps
- Review plat maps and legal descriptions
- Review quality of topographic survey work and update layers and styles as necessary for pre-design work
- Two (2) days of field verification

RIGHT-OF-WAY APPRAISAL AND ACQUISITION SERVICES

West Yost also solicited proposals for right-of-way acquisition services from three firms, including Associated Right-of-way Services, Inc. (AR/WS), Bender Rosenthal, and Paragon Partners and received responses from all three.

Each proposal was reviewed and ranked based on qualifications prior to review of the cost proposals, with consistent ranking results from all three reviewers. Overall, the AR/WS proposal ranked higher and the costs are comparable. The AR/WS planned hours and schedule appeared to

be the most reasonable. AR/WS is currently on the City of Turlock's right-of-way and acquisition services on-call list, and have been asked to provide right-of-way acquisition services for the City's tank site off North Quincy Road.

The right-of-way acquisition scope of work includes the following:

- Project management and meetings
- Preparing appraisals including restorative and crop loss costs
- Developing necessary contracts, conveyance documents, and escrow instructions
- Reviewing appraisals, title reports, and maps
- Preparing acquisition documents
- Meeting with owners
- Delivering and negotiating offers
- Title and escrow support

In support of the right-of-way acquisition work West Yost will provide the following services (which are not currently in our approved Phase 1 scope of work):

- Manage right-of-way acquisition sub-consultant
- Coordinate work between survey and right-of-way acquisition agent
- Meetings with critical stakeholders, including State of California, County of Stanislaus, and Mr. Nazzareno
- Review appraisals
- Obtain written approval of just compensation from SRWA member agencies
- Review all written offers
- Assist with escrow instructions
- Attend two (2) TAC meetings
- Coordinate negotiations with TAC, General Manager, member agencies, and SRWA counsel as necessary

FISCAL IMPACT

The cost for the land surveying and right-of-way acquisition are provided in Table 1.

At this time, we request that the TAC approve our recommendation to move forward with obtaining Board approval for a budget augmentation to engage GDR Engineering and Associated Right-of-way Services for Survey and Acquisition Services. It is anticipated that the West Yost costs will be covered under this same budget augmentation request.

Table 1. Summary of Costs for Task 9 – Preliminary Alignment Study

Billing Rate, dollars	Vice President, hrs	Engineering Manager, hrs	Senior Engineer, hrs	Staff Engineer, hrs	Admin Staff, hrs	Sub Fees, dollars	Other Costs, dollars	Subtotal Costs, dollars
	266	254	198	175	110			
Task 9. Preliminary Alignment Study								
9.01. Survey Support Services	2	8	100	120	6		250	44,274
9.02. ROW Acquisition Support Services	4	96	156		12		100	57,756
9.17. GDR Engineering						253,924		253,924
9.18. Associate RW Services						111,705		111,705
Total, dollars	\$1,596	\$26,416	\$50,688	\$21,000	\$1,980	\$365,629	\$350	\$467,659

From: West Yost Program Management Team

Prepared by: Nancy McWilliams, West Yost Associates

1. **ACTION RECOMMENDED:**

Motion: Accepting the Right of Way Management Plan which details anticipated right-of-way acquisition activities for the project facilities including the treatment plant site, raw water pump station, raw water and finished water transmission facilities.

2. **DISCUSSION OF ISSUE:**

SRWA will need to acquire right-of-way (ROW) necessary for construction and long-term operation of the Raw Water Pump Station, Water Treatment Plant and Raw Water and Finished Water Transmission Pipelines. The ROW Management Plan (Plan) presents the methodology whereby required ROW easements and fee title parcels will be identified, catalogued, evaluated, monitored and acquired in a manner that minimizes delay and/or cost to SRWA. In addition, the Plan describes the mechanisms to be used to keep senior management and SRWA Board apprised of progress, and operational staff aware of (and a party to) the ROW implications of planning and design decisions.

The Surface Water Supply Project includes three sets of lands and right-of-way including:

1. **SRWA facilities** including the treatment plant site and treated water pipeline easements to the points of delivery in each city;
2. **TID facilities** including the intake/infiltration gallery and raw water pump station site, and easements for the raw water pipeline, to and up through the treatment plant, and the flow spitting vault;
3. **Local facilities** including city storage tank sites, and distribution pipeline easements which will be owned by the respective cities.

The scope of this Plan includes acquiring ROW for SRWA and TID facilities only. ROW for local facilities will be acquired by the respective member cities. The following outline briefly describes the Plan's elements:

1. **Introduction.** This section provides a description of SRWA, project purpose, project description and purpose of the Plan.
2. **Roles and Responsibilities.** This section describes the roles of various SRWA staff, Technical Advisory Committee members, TID staff, Program Management Staff, and various sub-consultants.
3. **Anticipated ROW Needs.** This section describes specific easements, and includes figures for each of the project facilities.
4. **Easement Widths.** This section established easement widths for various project facilities.
5. **Easement Recording.** This section describes recording protocol and sunset dates for temporary easements.

6. **ROW Steps and Basic Procedures.** This section summarizes the procedures and order of operations for acquisitions from obtaining title reports through appraisals, negotiations, and recording.
 7. **General Condemnation Process.** This section describes the condemnation process including among other things Resolutions of Necessity, filing complaints, Orders of Possession, and compensation.
 8. **General ROW Schedule.** This section describes the schedules for both standard acquisition, and acquisitions through eminent domain.
 9. **Glossary of Terms.** This section includes some terminology standard to the real estate, and right of way acquisition process.
-
3. **FISCAL IMPACT / BUDGET AMENDMENT:** N/A
 4. **ENVIRONMENTAL DETERMINATION:** N/A
 5. **ALTERNATIVES:** None

Right-of-Way Management Plan




Prepared for
Stanislaus Regional Water Authority

November 2016

WEST YOST

ASSOCIATES
Consulting Engineers

693-20-16-01

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WEST YOST ASSOCIATES
consulting engineers

W A T E R W A S T E W A T E R S T O R M W A T E R

Right-of-Way Management Plan

Prepared for


Stanislaus Regional Water Authority

November 2016



693-20-16-01




Nancy A. McWilliams, Engineering Manager

11.1.16
Date


QA/QC Review: Gerry Nakano, Vice President

11/1/16
Date

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List of Acronyms and Abbreviations

CCP	Code of Civil Procedure
CFWTM	Ceres Finished Water Transmission Mains
DB	Design/build
DBO	Design/build/operate
Hawkins	Hawkins and Associates
OP	Order for Possession
Plan	Right-of-Way Management Plan
Project	Surface Water Supply Project
RON	Resolution of Necessity
ROW	Right-of-way
RWPS	Raw Water Pump Station
SRWA	Stanislaus Regional Water Authority
TAC	Technical Advisory Committee
TID	Turlock Irrigation District
TFWTM	Turlock Finished Water Transmission Mains
West Yost	West Yost Associates
WTP	Water Treatment Plant

Right-of-Way Management Plan

1.0 INTRODUCTION

1.1 Description of Stanislaus Regional Water Authority

In 2011, the cities of Ceres, Modesto, and Turlock created the Stanislaus Regional Water Authority (SRWA), to purchase surface water from the Turlock Irrigation District (TID), treat the water, and make the treated water available to project participants. SRWA is currently developing planning and construction documents for the Surface Water Supply Project (Project) that will deliver treated water to the cities of Turlock and Ceres; Modesto withdrew from SRWA in 2015.

1.2 Project Purpose

The Project will allow the cities to diversify their water supply by diverting surface water from the Tuolumne River, allowing the cities to conjunctively use available groundwater and surface water.

1.3 Project Description

The regional facilities that will be constructed as part of the Project include a Raw Water Pump Station (RWPS) that will collect water from the existing Infiltration Gallery under the Tuolumne River, a Raw Water pipeline that will convey water from the RWPS to Ceres Main Canal with a turnout (Flow Split Vault) which will divert water to the Water Treatment Plant (WTP), and finished water transmission pipelines to deliver water to the cities of Ceres and Turlock. Figure 1 shows the Project facilities. Each City will also require local facilities to be constructed to allow for the seamless interface with the regional treated water transmission facilities.

1.4 Purpose of the Right-of-Way Management Plan (Plan)

SRWA will acquire right-of-way (ROW) necessary for construction and long-term operation of the Raw Water Pump Station, Water Treatment Plant and Raw Water and Finished Water Transmission Pipelines. It is assumed at this time that the Raw Water Pump Station, Raw Water Pipeline and Flow Split Vault, all TID facilities, will be standard design/bid/build (DBB) contracts. Assuming that the SRWA Board decides to procure the WTP and finished water transmission mains using design/build (DB) or design/bid/operate (DBO), any additional ROW that may be necessary due to changes in alignment, contractor staging, and material storage will be obtained by the DB or DBO team at their expense.

West Yost Associates (West Yost) is the Program Manager for the Project, Gerry Nakano is the Project Manager. Hawkins and Associates (Hawkins) has assisted with development of this Plan. ROW necessary for local facilities including tanks and pump stations will be acquired by the cities.

This Plan presents the methodology whereby needed ROW easements and fee title parcels will be identified, catalogued, evaluated, monitored and acquired in a manner that minimizes delay and/or cost to SRWA. In addition, this Plan describes the mechanisms to be used to keep senior management and SRWA Board apprised of progress, and operational staff aware of (and a party to) the ROW implications of planning and design decisions. It is the objective of the Plan that no delay in project schedule occur as a result of failure to obtain ROW in a timely manner. The Plan will establish the processes and procedures for acquiring ROW for the Project, as described in the following sections:

Right-of-Way Management Plan

- Roles and Responsibilities
- Anticipated ROW Needs
- Easement Widths
- Easement Recording
- ROW Steps and Basic Procedures
- General Condemnation Process
- General ROW Schedule
- Glossary of Terms

2.0 ROLES AND RESPONSIBILITIES

This section will identify parties responsible for various phases of ROW acquisition and a description of their anticipated roles, as shown in Table 1.

Table 1. Contact Matrix: Company, Person, General Responsibilities		
Company	Individual	Responsibilities
SRWA Staff	Tish Foley (209) 668-5490	Board Secretary
SRWA Staff	Michael Brinton, Interim General Manager (209) 538-5758	Day to day project management
SRWA Staff	Phaedra Norton	Interim/SRWA Counsel
City of Ceres	Toby Wells Jeremy Damas Daryl Jordan	SRWA Technical Advisory Committee
City of Turlock	Michael Cooke Garner Reynold Dan Madden	SRWA Technical Advisory Committee
Turlock Irrigation District	Tou Her	TID Liaison to SRWA Technical Advisory Committee (TAC)
West Yost Associates, Inc. 2020 Research Park Drive Suite 100 Davis, CA 95618	Gerry Nakano (925) 461-6783 Lindsay Smith (530) 792-3247 Nancy McWilliams (530) 792-3222 Andy Smith (530) 792-3204	Program Management/Project Engineer Program Controls Segment Lead Specialty Support Services Design Segment Lead Specialty Support Services Design Engineer
GDR Engineering 3525 Mitchell Road, Suite G P.O. Box 1033 Ceres CA 95307	Sean Harp, PLS (209) 538-3360	Survey

Table 1. Contact Matrix: Company, Person, General Responsibilities		
Company	Individual	Responsibilities
Associated Right of Way 2300 Contra Costa Blvd. Suite 525 Pleasant Hill CA 94523	Matthew Schock (925) 691-8500	ROW Appraisal/Acquisition
Circlepoint 455 Capital Mall, Suite 410 Sacramento, CA 95814	Patti Ransdell (510) 285-6744	Public Outreach

2.1 Personnel/Position-Specific Responsibilities

2.1.1 SRWA Board and General Manager

SRWA Board, as delegated to the Interim General Manager, is responsible for the following:

- Authorize the commencement of the appraisal process, including authorization to send out Notice of Decision to Appraise.
- Establish Just Compensation based on approved appraisal, obligate funds for acquisition and provide Authorization to Acquire.
- Approve the First Written Offers of just compensation.
- Approve requests for Appraisal Revisions and Administrative Settlements.
- Accept deeds for SRWA, approve and accept Agreements for Purchase.
- General Manager has the authority to approve acquisitions for value equal to Just Compensation at a nominal minimum amount or based on appraised value. Any additional compensation will require approval by the SRWA TAC or Board.
- Certify the project for construction.

2.1.2 City of Ceres

The City Council, as delegated to Jeremy Damas, is responsible for the following:

- Review, comment on, and approval of appraisal for Ceres Finished Water Transmission Mains (CFWTM).
- Review and approve just compensation based on approved appraisals for CFWTMs.

2.1.3 City of Turlock

The City Council, as delegated to Michael Cooke, is responsible for the following:

- Review, comment on, and approval of appraisals for Turlock Finished Water Transmission Mains (TFWTM).
- Review and approve just compensation based on approved appraisals for TFWTMs.

2.1.4 Turlock Irrigation District

The Turlock Irrigation District Board of Directors, as delegated to Tou Her, working closely with the SRWA Board and TAC, is responsible for the following with respect to the Raw Water Facilities and Pipelines:

- Authorize the commencement of the appraisal process, including authorization to send out Notice of Decision to Appraise.
- Establish just compensation based on approved appraisal, obligate funds for acquisition and provide Authorization to Acquire.
- Approve the First Written Offers of just compensation.
- Approve requests for Appraisal Revisions and Administrative Settlements.
- Accept deeds for the District, approve and accept Agreements for Purchase.
- Has authority to approve acquisitions for value equal to Just Compensation based on appraised value; additional compensation may require TID Board approval.
- Certify the project for construction.

2.1.5 SRWA Program Manager

The SRWA Program Manager is responsible for:

- Obtain approval, including legal review, for ROW forms including contracts, deeds, letters of assurance, etc.
- Review and recommend approval of appraisals for member agencies and ultimately the General Manager or TID liaison.
- Arrange for drafting of SRWA Board letters recommending adoption of the Resolution of Necessity.
- Arrange for preparing Notice of Intent to Adopt a Resolution of Necessity and sending those Notices to the affected property owners.
- Arrange for preparation of letters advising property owners of hearings for Resolution of Necessity.

2.1.6 Survey Consultant

- Prepare plat maps and legal descriptions.

2.1.7 ROW Consultant

- Appraise real property.
- Determine fair market value of ROW necessary for project.
- Assist with preparation of ROW forms including Easement Deed, ROW Contract, offer letter, Escrow Instructions, and Appraisal forms.
- Acquire property rights (ROW) necessary for project.

- Coordinate close of escrow for negotiated settlements.
- Provide information necessary to SRWA and/or TID Counsel for parcels to be acquired through eminent domain.
- Property that will be transferred between project partner agencies will be handled by SRWA counsel.

2.1.8 SRWA Counsel

- Review, provide comments on, and approve ROW forms.
- Prepare and/or review Resolution of Necessity.
- Obtain Orders for Possession, provide condemnation services as required.

2.1.9 Public Outreach Consultant

- Provide advice and input on property owner contacts.

3.0 ANTICIPATED ROW NEEDS

With this project, there will be three sets of lands and rights-of-way:

1. SRWA facilities including the treatment plant site and treated water pipeline easements to the points of delivery in each city;
2. TID facilities including the intake/infiltration gallery and raw water pump station site, and easements for the raw water pipeline, and flow splitting vault to and through the treatment plant;
3. Local facilities including city storage tank sites, and distribution pipeline easements which will be owned by the respective cities.

The scope of this Plan includes acquiring ROW for SRWA and TID facilities only. ROW for local facilities will be acquired by the respective member cities.

Figure 1 shows the approximate easements for the raw water pump station and pipelines that will be acquired for TID.

Figure 2 shows the WTP property and TID easement through the WTP property.

Figure 3 shows approximate easement alternatives for the CFWTM between the treatment plant site and Geer Road. Additional survey will be necessary for determining alignment. It is anticipated that a joint use permit will be required to occupy all or a portion of the existing power transmission line easement.

Figure 4 shows the approximate easement for CFWTM through existing City property between Hatch Road and the proposed tank site.

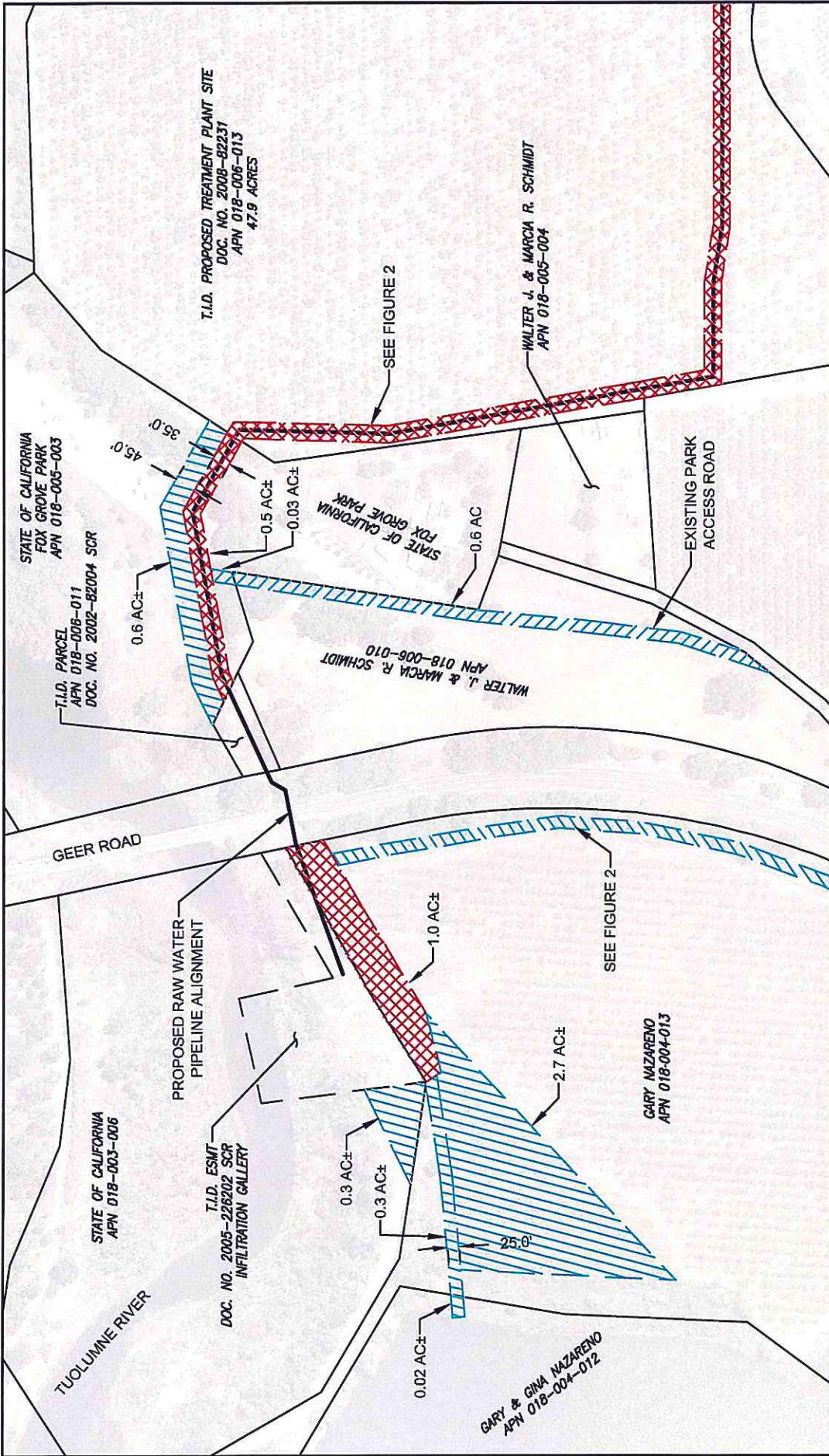
Figure 5 shows the approximate easement alternatives for the TFWTM crossing of Santa Fe Avenue, BNSF Railroad, and the TID canal at Berkeley Avenue. Assessor's Parcel Number 045-044-037 is a small, unoccupied fallow parcel that would provide staging for

Right-of-Way Management Plan






trenchless construction under the railroad with minimal impact to traffic. If the trenchless crossing runs parallel to Berkeley Avenue, the road would need to be closed for an extended period of time.

Figure 6 shows the proposed site for the Turlock terminal tank. It is anticipated that the City will purchase the flag lot for access to and construction of the tanks and pump station.

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LEGEND

-  Permanent Easement
-  Temporary Construction Easement
-  Existing parcel line
-  Existing easement
-  Proposed Pipeline Alignment

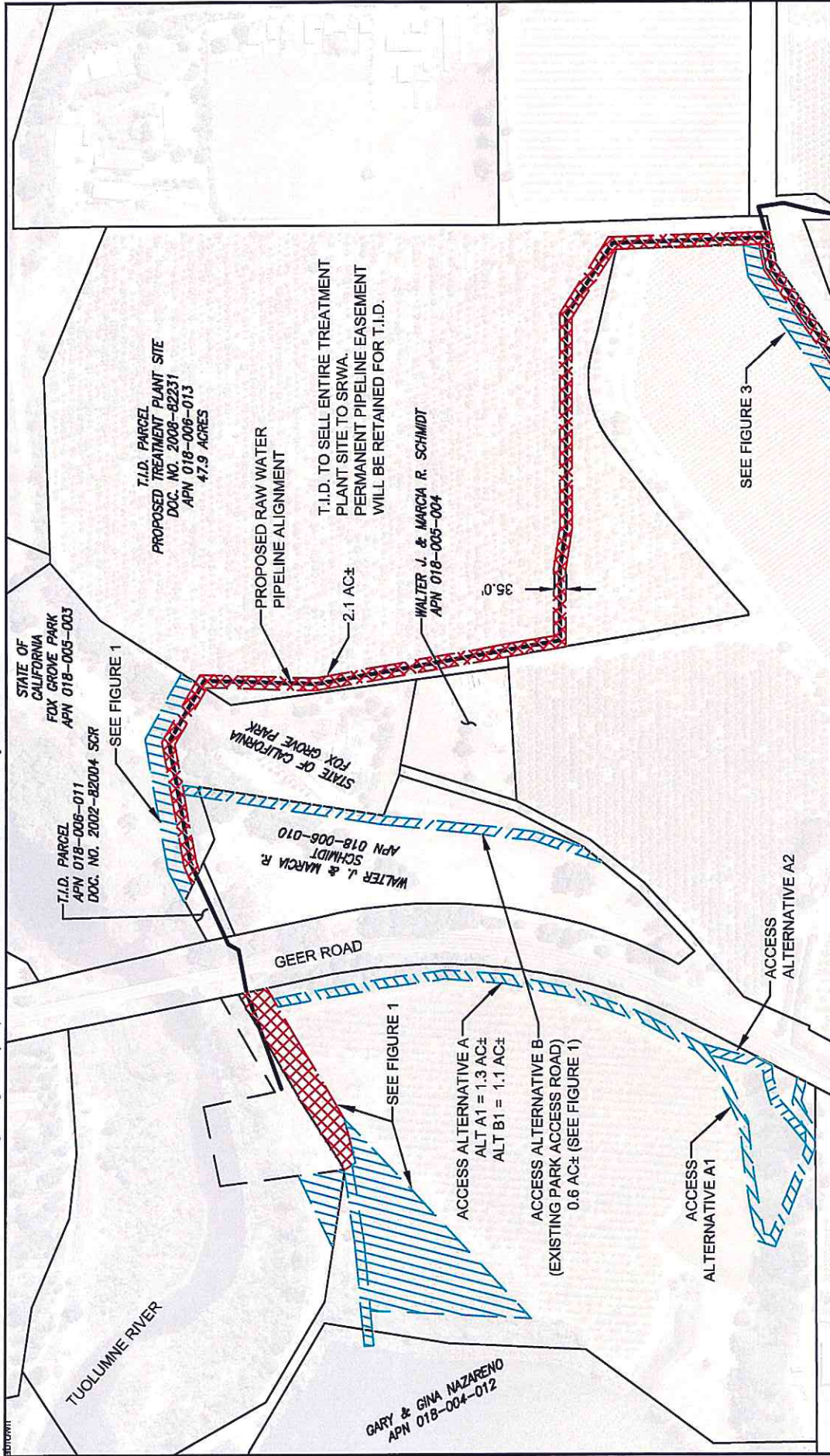


NOTE: Easements shown are preliminary. Easement locations and areas, as well as final selection of pipeline alignment alternatives (where shown) are subject to change pending evaluation of environmental and physical constraints.








Figure 1
Easement Acquisition
Raw Water Pipeline
Stanislaus Regional Water Authority
Surface Water Supply Project

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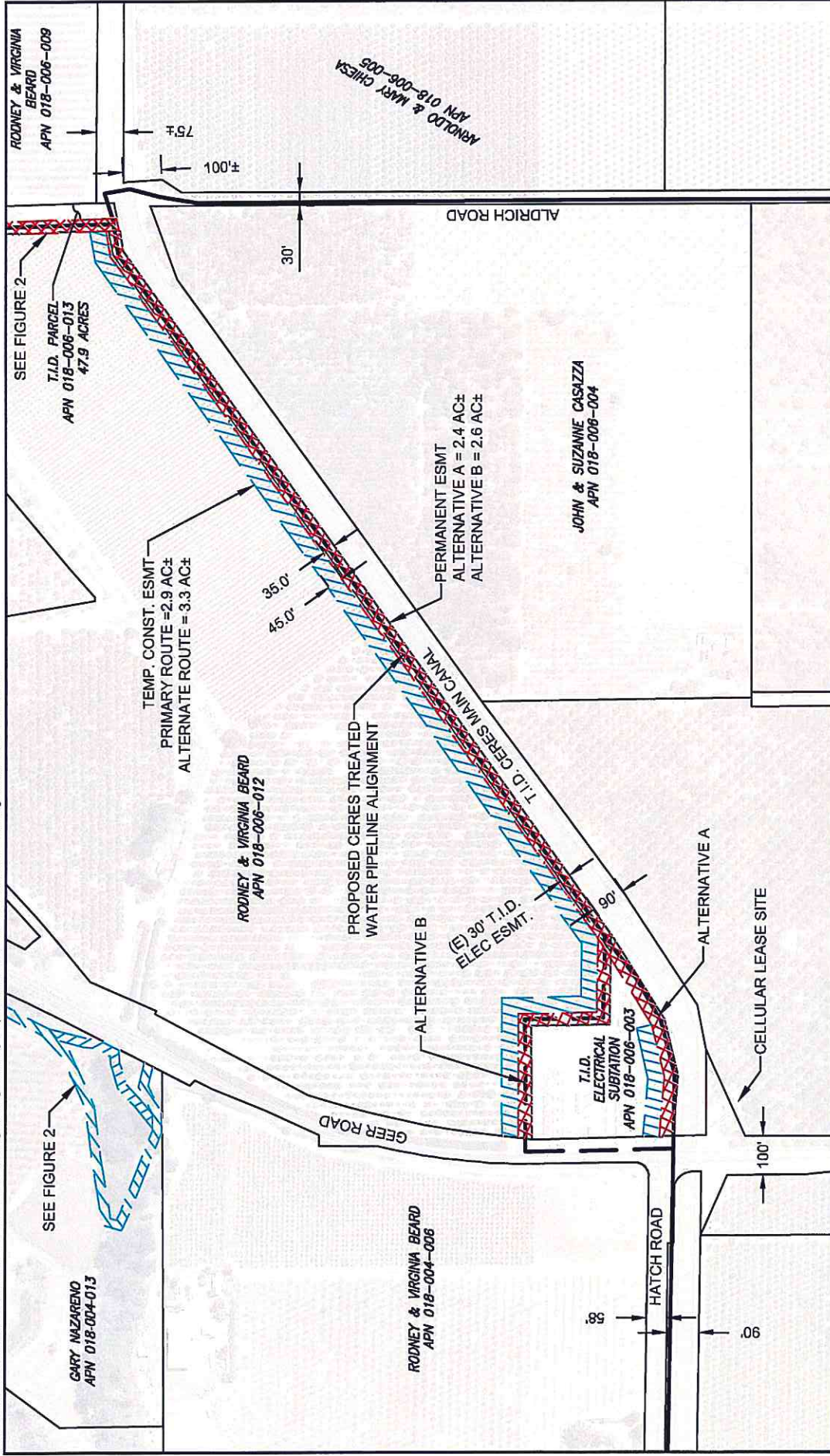
-  Permanent Easement
-  Temporary Construction Easement
-  Existing parcel line
-  Existing easement
-  Proposed Pipeline Alignment

NOTE: Easements shown are preliminary. Easement locations and areas, as well as final selection of pipeline alignment alternatives (where shown) are subject to change pending evaluation of environmental and physical constraints.








Figure 2
Easement Acquisition
Treatment Plant Site
 Stanislaus Regional Water Authority
 Surface Water Supply Project

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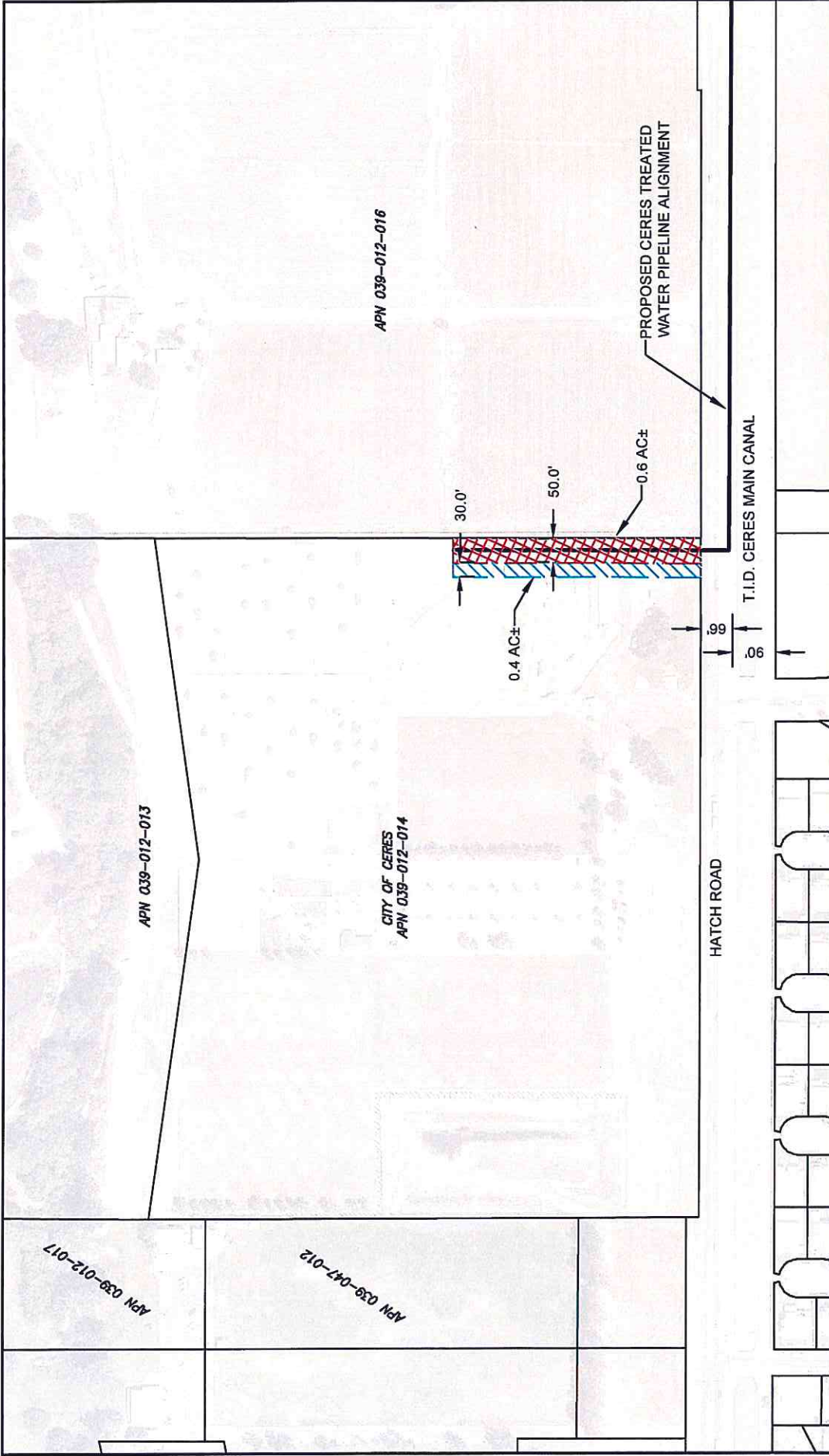
LEGEND

-  Permanent Easement
-  Temporary Construction Easement
-  Existing parcel line
-  Existing easement
-  Proposed Pipeline Alignment






NOTE: Easements shown are preliminary. Easement locations and areas, as well as final selection of pipeline alignment alternatives (where shown) are subject to change pending evaluation of environmental and physical constraints.



Figure 3
Easement Acquisition
Substation Alternatives
 Stanislaus Regional Water Authority
 Surface Water Supply Project



LEGEND

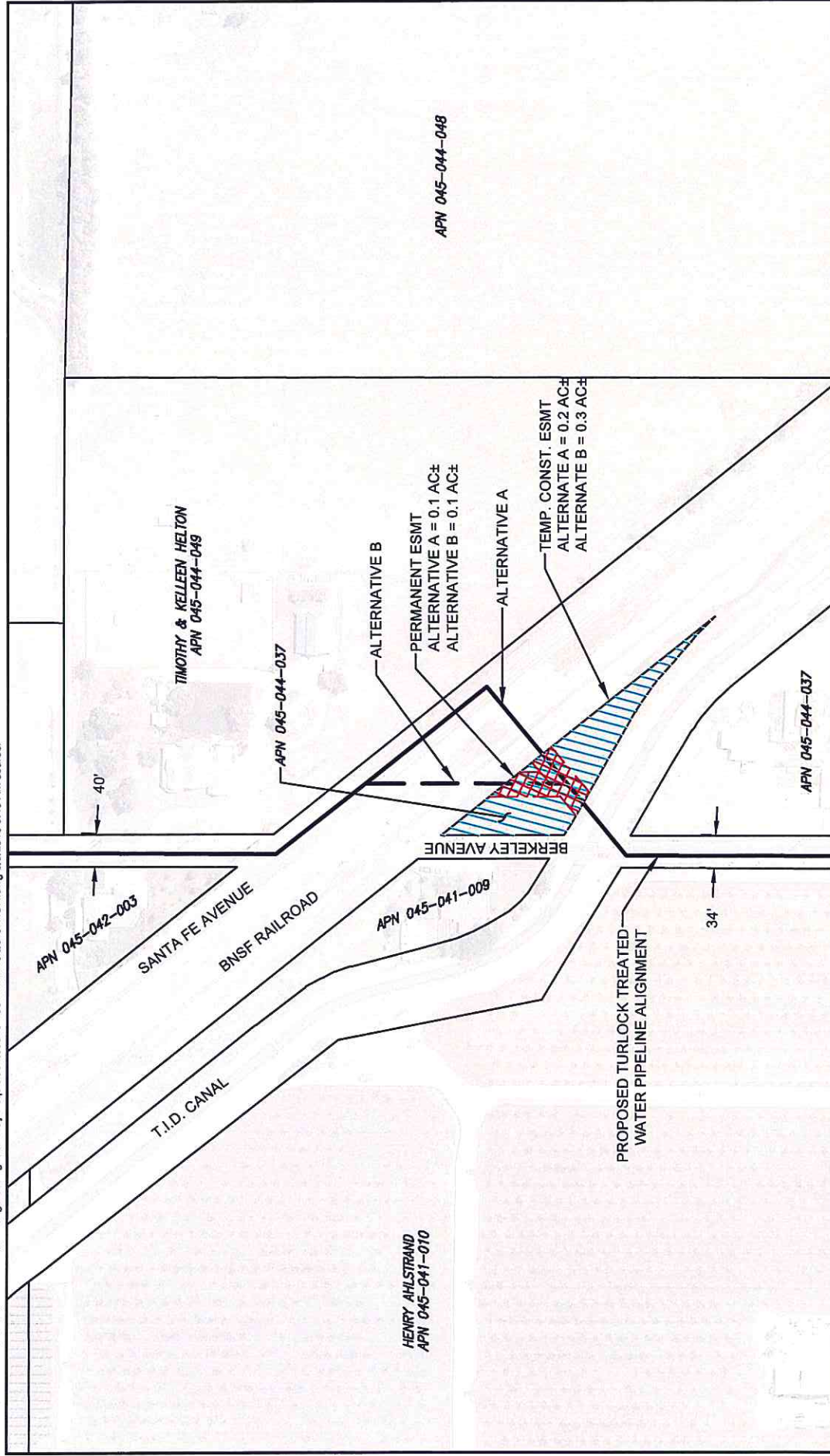
-  Permanent Easement
-  Temporary Construction Easement
-  Existing parcel line
-  Existing easement
-  Proposed Pipeline Alignment

NOTE: Easements shown are preliminary. Easement locations and areas, as well as final selection of pipeline alignment alternatives (where shown) are subject to change pending evaluation of environmental and physical constraints.








Figure 4
Easement Acquisition
Ceres Tank Site
 Stanislaus Regional Water Authority
 Surface Water Supply Project

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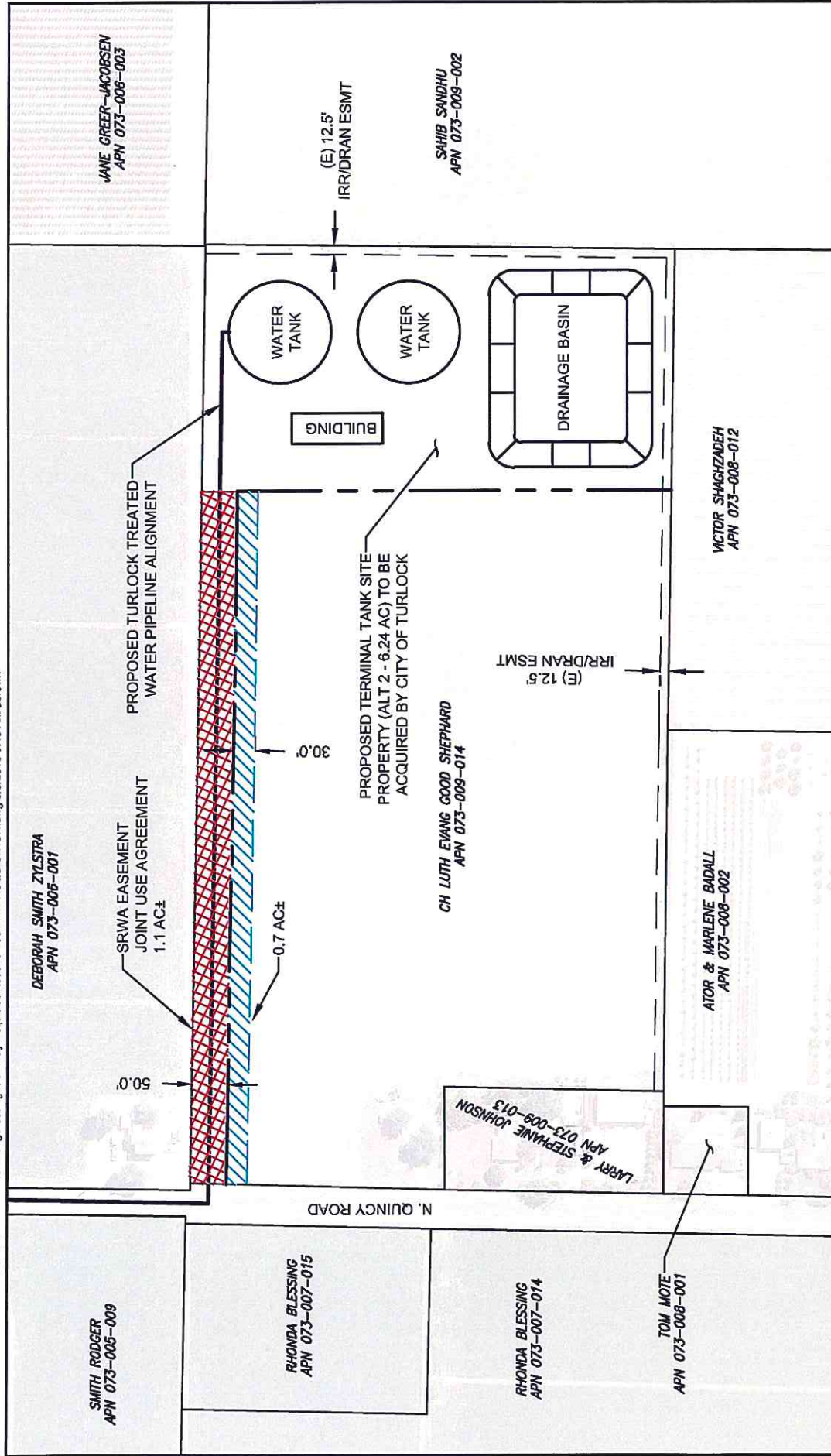
LEGEND

-  Permanent Easement
-  Temporary Construction Easement
-  Existing parcel line
-  Existing easement
-  Proposed Pipeline Alignment






NOTE: Easements shown are preliminary. Easement locations and areas, as well as final selection of pipeline alignment alternatives (where shown) are subject to change pending evaluation of environmental and physical constraints.



Figure 5
Easement Acquisition
BNSF Railroad Crossing
Stanislaus Regional Water Authority
Surface Water Supply Project



LEGEND

-  Permanent Easement
-  Temporary Construction Easement
-  Existing parcel line
-  Existing easement
-  Proposed Pipeline Alignment

NOTE: Easements shown are preliminary. Easement locations and areas, as well as final selection of pipeline alignment alternatives (where shown) are subject to change pending evaluation of environmental and physical constraints.



Figure 6
Easement Acquisition
Turlock Tank Site
Stanislaus Regional Water Authority
Surface Water Supply Project

Right-of-Way Management Plan

4.0 EASEMENT WIDTHS

This section establishes the easement widths needed for various project components. Easements will vary somewhat based on pipe diameter and use (e.g. bore and jack vs. open cut construction).

4.1 Easement Widths

The design drawings for the raw water pump station and raw water pipeline prepared in 2009 by Brown and Caldwell, show a permanent pipeline easement width of 25 feet and a temporary construction easement of 55 feet. During the June 16, 2016 TAC meeting, the TAC decided to make pipeline easement widths 35 feet, with a note to check if the raw water pipeline easement should be larger due to the proposed 60-inch diameter pipeline. Therefore, the raw water pipeline easement will be established at 35 feet with a 45 feet wide temporary construction easement for a total of 80 feet, matching the overall width shown in the previous design.

4.2 Joint Use Easement Widths

Easements for joint use will include pipelines for SRWA water and local facility water pipelines. These easements will be 50 feet wide with a 30 feet wide temporary construction easement.

5.0 EASEMENT RECORDING

This section will document how easements will be recorded.

Permanent Easements will be recorded. Temporary Construction Easements will have a Sunset Date.

It is anticipated that the sunset date for all easements will be December 31, 2022.

6.0 ROW STEPS AND BASIC PROCEDURES

A summary of the ROW acquisition steps, in order, is outlined below.

1. Order Preliminary Title Reports
2. Prepare Plat Maps and Legal Descriptions
3. Send Notice of Decision to Appraise Letter to Property Owner
4. Provide temporary survey staking as needed to clarify easement limits
5. Obtain Appraisal
6. SRWA or TID approves to acquire, sets just compensation
7. Prepare and Deliver First Written Offer
8. Meet with Property Owner
9. Obtain copy of Owner's appraisal if completed
10. Negotiate with Property Owner
11. Prepare and Deliver Final Written Offer
12. Proceed to Eminent Domain

Right-of-Way Management Plan

6.1 Order Preliminary Title Reports

The Preliminary Title Reports and associated underlying document describe the land ownership and all of the existing easements and encumbrances on a property. The surveyor will conduct review documents to locate fee parcel boundaries, public ROW boundaries, easements, and leases. Copies of all preliminary title reports and support documents will be provided to West Yost. Physical features relevant to impacts of the project on use of private property will also be located as needed.

6.2 Prepare Land Packages

Land description packages including plat maps and legal descriptions will be prepared for each easement or parcel to be acquired on the project. This will include remainder parcels, utility easement parcels, access parcels, temporary construction easement parcels, and abandonment parcels. The land description packages will need to be updated if design alignment changes.

6.3 Send Notice of Decision to Appraise Letter to Property Owner

Property owner will be notified in advance that their property will be appraised.

6.4 Provide Temporary Survey Staking as Needed to Clarify Easement Limits

Where necessary the surveyor will provide temporary staking to outline easement for the benefit of both the appraiser and the property owner. This staking exercise will not formally identify property corners, and will not result in a Record of Survey.

6.5 Obtain Appraisal

An appraiser will be retained by SRWA Program Manager to develop a complete appraisal for each parcel that will state the estimated fair market value of the property rights sought. Each appraisal report will be a summary appraisal report that will be prepared in conformance with and subject to the requirements of the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

The appraiser will analyze the complexity of the valuation, the impact of the interests to be acquired (permanent easement and/or temporary construction easements) on the property, and perform an analysis of severance damages, restoration costs, and crop losses, if any.

6.6 Just Compensation and Approval to Acquire

State and Federal laws require the property owner be paid just compensation when the government acquires private property. The amount of just compensation is established by SRWA or TID based on, and not less than, SRWA's or TID's approved appraisal of Fair Market Value that:

- Disregards any decrease or increase in the fair market value of the real property taken due to the Project.
- Separately states the just compensation for real property to be acquired and the amount of damages, if any.

Right-of-Way Management Plan

- Identifies and includes allowable benefits.
- Considers whether or not the remaining property after the acquisition is an uneconomic remnant.
- Includes compensation for all buildings, structures and other improvements located upon the property which are required to be removed, including such buildings, structures, and other improvements owned by a tenant, even if classified as personal property under local law and includes:
 - The fair market value of such buildings, structures, and improvements as part of the real property or;
 - The fair market value of tenant-owned improvements for removal from the real property or salvage value, whichever is greater; and
 - Does not include any allowance for Relocation Assistance Benefits (RAP).
- Includes crop loss, which may be permanent to temporary depending on final contract language, which will be determined after the right-of-way acquisition firm is under contract.
- Includes site repair or restoration costs.

6.7 Prepare and Deliver First Written Offer

An acquisition agent will be retained by SRWA Program Manager who will make offers to and negotiate with property owners. The acquisition agent will be responsible for meeting with the property owner, preparing the offer documents, compiling, and delivering the First Written Offer.

The First Written Offer will include the following items:

- An offer letter containing a general statement describing the public project/use for which the Parcel is being acquired and the proposed Purchase Price;
- A Summary Statement Relating to Purchase of Real Property or an Interest Therein with a plat map attached;
- A Statement and Summary of the Basis for Appraisal;
- Two originals and a copy of a ROW Contract;
- Easement Deed(s);
- Escrow instructions;
- A copy of the booklet “Acquiring Real Property for Stanislaus Regional Water Authority”; and
- A copy of the preliminary title report obtained for the Project.

The acquisition agent will initiate contact with the property owner under the following guidelines:

The acquisition agent will schedule an appointment to meet with the property owner to discuss the Project in general, including a review of Project maps and plans and the Parcel's legal description.

1. Confirm owner/occupant information.
2. Present the formal First Written Offer Package to the property owner based on the approved appraisal and initiate negotiations.

6.8 Obtain Copy of Owner's Appraisal if Completed

Following presentation of the First Written Offer, the property owner has the right to obtain an opinion of value from an independent appraiser of their choosing, licensed by the Office of Real Estate Appraiser's, in accordance to Civil Code of Procedure Section 1263.025. SRWA is responsible for reimbursing the property owner up to \$5,000 for their appraisal.

6.9 Negotiate with Property Owners

The property owner is entitled by law to have a reasonable time to consider the offer (typically 30 days), to present material which the property owner believes is relevant in determining the value of the property to be acquired, and to suggest modification of the proposed terms and conditions of the ROW contract and deed language, and have any counter offers made by them considered by SRWA.

Although the number of contacts with each property owner will vary, it is anticipated that at least five (5) contacts will be made during the negotiation process, which may reach 45 days. The acquisition agent will be required to document each contact with the property owner in a diary.

As part of the negotiation process, the acquisition agent will provide information related to the purpose of SRWA and the Project, the effect of the Project on the property, and the acquisition procedures. The acquisition agent shall negotiate in a manner that is fair to both the property owner and the public interest.

1. The following is an outline of the negotiation process.
2. Owner accepts First Written Offer (closes the negotiation process).
3. Owner rejects the First Written Offer.
4. Owner refuses to make counter offer (creates an impasse).
5. Owner makes counteroffer or provides additional information to consider:
6. SRWA accepts counter (closes the negotiation process).
7. SRWA rejects counter (creates an impasse).
8. SRWA authorizes appraisal revision and/or Administrative Settlement reflecting new information provided by the owner (negotiated settlement):
9. Owner accepts SRWA's revised offer (closes the negotiation process).
10. Owner does not accept SRWA's revised offer (creates an impasse).

If negotiations are successful, and settlement is reached, the escrow process will lead to recording the deed. If negotiations are not successful and no settlement occurs, an impasse will be declared.

6.10 Prepare and Deliver Final Written Offer

If impasse is reached, a Final Written Offer will be prepared and delivered which will formally complete the negotiation process. Following delivery of the Final Written Offer, the acquisition agent will submit all records including, but not limited to, offers and diaries to SRWA counsel. SRWA counsel may request authority from the SRWA Board to file a condemnation action. The approval of the SRWA Board is called a Resolution of Necessity.

7.0 EMINENT DOMAIN PROCESS, GENERALLY

The eminent domain process, generally, follows the steps outlined below:

1. Approval by the SRWA Board to file a condemnation action. The approval from the Board is commonly referred to as a Resolution of Necessity
2. Filing a condemnation complaint in the appropriate court and depositing the probable amount of compensation with the State Treasurer, if the SRWA is seeking Prejudgment Possession
3. Motion for Order for Precondemnation Activities/Prejudgment Possession (OP) and Deposit of Probable Compensation
4. Final Offer and Demand for Compensation
5. Settlement and Release Agreement/Stipulated Judgment
6. Trial/Final Order of Condemnation

7.1 Resolution of Necessity (RON)

If the SRWA proceeds with eminent domain, the first step is for the SRWA staff to request authority from the SRWA Board to file a condemnation action. The approval from the Board is called a Resolution of Necessity. In determining whether condemnation is necessary, the SRWA Board will hold a hearing, giving all the appropriate notice to the property owner and an opportunity for the property owner to be heard at the hearing, and determine:

- Whether the public interest and necessity require the project
- Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- Whether the property sought to be acquired is necessary for the Project; and
- Whether an appropriate offer with supporting data was provided to the owner

7.2 Filing of Condemnation Complaint, Order for Right to Enter for Pre-Condemnation Activities, Order for Prejudgment Possession and Deposit of Probable Compensation

If the SRWA Board adopts the Resolution of Necessity, SRWA can file a complaint in court to acquire title to the property upon payment of the property's fair market value. At the time of filing

of the complaint, SRWA must record a notice of pendency of the proceeding in the office of the County Recorder. If SRWA seeks to acquire possession of the property before agreement is reached, SRWA must apply to the court for an order of prejudgment possession (OP). If SRWA seeks prejudgment possession, SRWA must deposit with the court or State Treasurer the probable amount of just compensation in order to obtain possession of the property.

If the property is occupied, the hearing date for the OP must be set not less than 90 days after service of the notice of motion on the record owner. If the property is vacant/unoccupied the hearing date period is 60 days. The property owner has 30 days from service to file his or her opposition to the motion. SRWA must file any reply to the opposition not less than 15 days before the hearing. If the motion is not opposed within 30 days of service, the Court shall issue an OP. SRWA must serve the OP at least 30 days prior to occupation of the property. The owner also has 30 days after the Court issues the OP to challenge the order (CCP 1255.410(d)(2)), so it is a minimum of 60 days after filing the motion, and assuming no opposition, that SRWA may occupy the property without any potential for challenge.

In addition, if a property owner will not grant written permission to conduct pre-condemnation activities (photographs, studies, surveys, examinations, tests, soundings, borings, samplings, appraisals or to engage in similar activities) a court order for a Right to Enter may be obtained to perform the necessary pre-condemnation activities. The probable amount of compensation to be paid to the owner of the property for the actual damage to the property for interference with its possession and use would be deposited with the court.

7.3 Final Offer and Demand for Compensation

No less than 60 days prior to the trial, the revised and reviewed condemnation appraisal shall be submitted to SRWA Counsel who will forward a copy of the appraisal to the SRWA Board with a recommendation to authorize its use in negotiations or for use during the trial. SRWA may use the condemnation appraisal for negotiations or trial purposes as authorized by SRWA Counsel. No later than 45 days, prior to trial, SRWA Counsel may determine that a final offer of compensation should be filed with the Court in an amount that exceeds the authorized appraisal. If the final offer is accepted, SRWA Counsel shall create a written summary of the discussions with legal parties to support and document acceptance of the settlement.

7.4 Settlement and Release Agreement/Stipulated Judgment

In those cases where a condemnation action has been filed, and the terms and conditions of a settlement are being negotiated, if justified, a Settlement and Release Agreement/Stipulated Judgment may be negotiated. SRWA Counsel will prepare for SRWA's approval, any Settlement and Release Agreement/Stipulated Judgment. The Settlement and Release Agreement/Stipulated Judgment should include any special terms or conditions, state the compensation offer, and state that the compensation offer constitutes the entire consideration for conveyance of the parcel to SRWA.

7.5 Order for Possession/Order for Right to Enter for Precondemnation Activities

A court order for possession may be obtained for pre-condemnation activity including, but not limited to geotechnical investigations, hazardous material testing, and boring, etc. If a property owner will not grant written permission to SRWA for these purposes. In this case, the probable amount of compensation to be paid to the owner of the property for the actual damage to the property and interference with its possession and use would be deposited with the court.

SRWA or TID would get permission to enter and use the ROW, remove and dispose of improvements and construct the Project with a court order. The three Orders for Possession are shown in Table 2 below:

Table 2. Orders for Possession	
Order of Possession	Conditions
Order for Immediate Possession	For utilities, in an emergency situation, the Court may order possession in as little as three days from service of order, if there is urgent need and possession does not displace or unreasonably affect any person in actual and lawful possession of the property to be acquired or the larger parcel.
Order for Possession - 60 Day Hearing	For unoccupied property, the court hearing date is set 60 days from service of the notice of motion for possession on the record owner.
Order for Possession - 90 Day Hearing	For occupied property, the court hearing date is set 90 days from service of the notice of motion for possession on the record owner.

A general timeline for Order for Possession process is listed in the Table 3 below.

There are many variables which could result in the possibility of a longer timeline. To obtain an Order for Possession, SRWA or TID must show the following at the hearing:

1. It is entitled to take the property by eminent domain.
2. It has deposited an amount that satisfies Article 1 (deposit with the State Treasury or local court).
3. There is an overriding need for SRWA to possess the property prior to the issuance of final judgment in the case, and the plaintiff will suffer a substantial hardship if the application for possession is denied or limited.
4. The hardship that SRWA will suffer if possession is denied or limited outweighs any hardship on defendant or occupant that would be caused by the granting of the OP.

Process	No Owner Opposition, days	Owner Opposition, days
Prepare/file suit & Order for Possession	15-30	15-30
Deposit funds	7	7
File motion for Order for Possession (serve notice on owner)	7	7
No opposition to Order for Possession (effective date of possession is 60 days from service for unoccupied property)	60	n/a
Owner opposition to Order for Possession (owner has 30 days to respond)	n/a	30
Hearing on Order for Possession (hearing set 90 days from service)	n/a	90
If SRWA is successful at hearing, issuance of Order for Possession & Service of Order for Possession on owner 30 days prior to possession	90-120	n/a
Total time	90-120	180+

7.6 Eminent Domain Trial/Final Order of Condemnation

The main purpose of an eminent domain trial is to determine the fair market value of the property. If the property owner challenges SRWA’s right to acquire the property, the eminent domain trial will also determine whether or not SRWA has the legal right to acquire the property. If a trial is necessary, it will be handled by SRWA Counsel. An outline of the trial procedures is beyond the scope of this plan.

8.0 GENERAL ROW SCHEDULE

This section will provide a general schedule for acquiring ROW, and at what point design easements must be recorded.

The typical ROW acquisition timeline to acquire property is 12 to 18 months depending on responsiveness of all parties involved. The following is an overview of the basic steps and time involved:

- Prepare and obtain approval of ROW documents (30-60 days)
- Obtain current preliminary title reports (15 days)
- Obtain plats and legal descriptions (15 days)
- Obtain Appraisal (30-60 days)
- Obtain SRWA approval for appraised value/set just compensation (30 days)
- Prepare and make First Written Offer (2 weeks)
- Negotiate with property owner (30-60 days)
- Declare Impasse in negotiations, request RON (30-60 days)

Process	No Owner Opposition, days	Owner Opposition, days
Prepare and obtain approval of ROW documents	30-60	30-60
Obtain current preliminary title reports	15	15
Obtain plats and legal descriptions	15	15
Obtain Appraisal	30-60	30-60
Owner's Appraisal	30-60	30-60
Obtain SRWA approval for appraised value/set just compensation	15	30
Prepare and make First Written Offer	15	10
Negotiate with property owner	30-60	30-60
Declare Impasse in negotiations, request RON	30-60	30-60
Total time	180-300	210-360

9.0 GLOSSARY OF TERMS

Condemnation

The taking of private property by eminent domain for public use. Consent of the owner is not required, but Just Compensation must be paid.

Conveyance

The act of transferring fee title or other interest in real property.

Deed

A legal document or instrument transferring fee title or other interest in real property from one person or entity (Grantor) to another (Grantee). These may be grant deeds for fee title, easement deeds for permanent and temporary construction easements, or quitclaim deeds relinquishing interest in a property. All deeds will be recorded.

Easement

A right, privilege or interest limited to a specific purpose which one party has in the land of another. Easements for this Project will be for the construction, operations, and maintenance of Project facilities including intake structures, pump stations, and pipelines.

Temporary Construction Easement (TCE)

A right, privilege or interest limited to a specific purpose which one party has in the land of another for a specified period of time. Temporary construction easements will be acquired for:

- Construction of the Project.
- Construction of temporary and permanent access roads.

Eminent Domain

The right of a government to take private property for public use upon payment of its fair market value. Eminent domain is the basis for condemnation proceedings.

Encroachment

An improvement that intrudes illegally or without owner's permission on another's property. This would include placement of items such as buildings, fences, or walls in SRWA's or TID's easements.

Encroachment Permits

A document that gives permission to work or install facilities in public ROW, but does not convey any property rights. This project will require encroachment permits from the County of Stanislaus, the City of Hughson, and TID.

Fair Market Value

The price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

Fee Title

Private ownership of real estate in which the owner has the right to control, use, and transfer the property at will.

First Written Offer

The package includes various document necessary for conveyance including statement of the amount believed to be just compensation, description of parcel, summary of appraisal, ROW contract, easement deed(s), escrow instructions, a copy of the preliminary title report and information related SRWA's and owner's rights and responsibilities.

Joint Use and/or Consent to Common Use Agreement (JUA/CCUA)

Similar to an easement, but usually has some sort of termination clause, specific identification of the facility to be installed, and conditions for use that will be tailored to meet the needs of SRWA when one is a prior owner of rights of way along the pipeline corridor such as:

- Public utilities
- Private utilities
- Railroads
- Roads and highways
- Bikeways

Joint Use ROW

When one or more public agencies jointly share the same property for different purpose.

Just Compensation Based on Fair Market Value

Based on an appraisal to determine fair market value, Just Compensation also includes damages caused by construction or to the remainder of the property not being acquired.

Land Acquisition

Land Acquisition is the act process of obtaining ROW (real property) for the construction, operation and maintenance of the Project by negotiation or by eminent domain.

Legal Description

A geographical land description recognized by law that unambiguously identifies the parcel location and boundaries.

Metes and Bounds

The system used in describing the boundary lines of land using angle points, directions and distances.

Notice of Intent to Adopt a Resolution of Necessity

Notice that must be sent to the owners of record per the last equalized county assessment role, new owners not yet listed, lessees and month-to-month tenants owning realty at least 15 days prior to SRWA Board of Director's meeting for adoption of the resolution of necessity. The owner has the right to appear at this meeting.

Order for Possession

A court issued document to obtain possession of property for construction and related purposes. This document will only be issued after SRWA or TID has deposited the appraised value into court.

Owner

Any persons, corporation, SRWA or body having an interest in the real property, including not only the fee owner, or owners of various interests or estates in the property as well as leasehold and/or tenant owner.

"Owner" also includes a contract purchaser of any estate or interest, or one who possesses such other proprietary or equitable interest in the property acquired.

Parcel

A parcel is an area of land listed under one or more Assessor Parcel Number (APN).

Permit to Enter

Document used to gain temporary access to property for a specific purpose such as geotechnical investigations, surveying, environmental site assessments, appraisal activities, etc. Permit to enter is a voluntary transaction between SRWA and owner and typically the owner is not entitled to compensation, except damages. Permits to enter are not recorded.

Plat

A graphic representation of the parcel or portion of the parcel impacted which has been described in the legal description of the deed.

Real Property

The real estate which is land and the improvements thereon.

Reservation

A right created and retained by a grantor of real property. For this project TID will reserve a pipeline easement running through the treatment plant property when the property is transferred to SRWA.

Resolution of Necessity

A declaration that (a) the public interest and necessity require the project; b) the proposed project is planned or located in the manner most compatible with the greatest public good and least private injury; (c) the property is necessary for the project; and (d) the offer required by Government Code Section 7267.2 has been made (Just Compensation). The Resolution of Necessity must be approved by the SRWA or TID Board.

ROW

The term “ROW” as used in this section is intended to imply a strip of land or corridor of property used for a public agency. The corridor can be a dedicated ROW in fee or easement, an acquired fee or easement. The corridor may be exclusive use or non-exclusive use.

ROW Contract

A ROW Contract is the agreement for purchase between SRWA or TID and a property owner stating the amount of compensation to be paid by SRWA or TID for the Parcel being acquired from the property owner, and documenting all conditions relating to the acquisition. The ROW Contract will not to be recorded.

Right of Entry

Document used to gain access or possession to property for construction purposes. The right of entry is used when Authority intends to acquire the property for a specific project.

Take Area

Refers to the portion of the affected tract of land that is to be acquired. In some cases, the "take area" or the "area to be acquired" may include the whole parcel.

Uneconomic Remnant

A parcel of real property in which the owner is left with an interest after a partial acquisition of the owner's property, which has little or no value (either in the market or to the owner). In such cases, SRWA or TID *must* offer to purchase the remnant, but the owner may refuse the offer and keep the remnant of property.

APPENDIX A

This section will include standard forms, contracts, and deeds that will be used in compiling a first written offer. The forms will be developed after an acquisition agent is retained by SRWA or the Program Manager. It is anticipated this appendix will include the following forms:

1. Just Compensation Memorandum: Establishes the offer value, approved by SRWA as well as agency being served
2. Standard First Written Offer Cover Letter
3. Standard Right-of-Way Contract
4. Standard Easement Deed
5. Standard Temporary Construction Easement Deed
6. Acquiring Real Property Brochure

From: West Yost Program Management Team

Prepared by: Lindsay Smith, West Yost Associates

1. ACTION RECOMMENDED:

Motion: Accepting Technical Memorandum dated November 1, 2016, concurring with the TAC recommended methodology for allocating Project costs associated with the Stanislaus Regional Water Authority (SRWA) Surface Water Supply Project. The current participants in the Project cost sharing include the cities of Ceres and Turlock, and the Turlock Irrigation District for shared facilities associated with District Delivery Facilities, as defined in the SRWA/TID Water Sales Agreement.

2. DISCUSSION OF ISSUE:

The allocation of costs among the participants is dependent on the nature of the specific costs in question. In general, all anticipated Project costs fall into the following categories, each of which has an associated cost allocation percentage split:

- Administrative/Soft Costs
- Phase 1 Capacity Costs
- District Delivery Facilities Costs
- Ceres-Only Costs
- Turlock-Only Costs

The recommended cost allocation percentages associated with each of these categories are summarized in Table 1.

Table 1. Recommended Cost Allocation Percentages			
Category	Cost Allocation, percent		
	Ceres	Turlock	TID
Administrative/Soft Costs	50	50	0
Phase 1 Capacity Costs	33.3	66.7	0
District Delivery Facilities Costs	26.7	53.3	20
Ceres-Only Costs	100	0	0
Turlock-Only Costs	0	100	0

A detailed set of cost line items is presented in West Yost’s October 31, 2016 Technical Memorandum titled, Methodology for Allocation of Surface Water Supply Project Costs. Attachment 1. The cost allocation line items fall under the following headings:

- Program Management
- Finance/Funding
- Facilities Planning
- Permitting and Environmental Documentation
- Right-of-Way (ROW) Acquisition
- Infrastructure

The infrastructure category is further subdivided into facilities that will be constructed as part of this Project. Currently the procurement methods and packaging of these facilities is being evaluated. The projects to be constructed are as follows:

- District Delivery Facilities
 - Wet Well Project
 - Intake//Raw Water Pump Station
 - Raw Water Pipeline
- Water Treatment Plant
- Ceres Finished Water Pipeline
- Turlock Finished Water Pipeline
- Ceres Local Improvements
- Turlock Local Improvements

3. FISCAL IMPACT / BUDGET AMENDMENT:

No budget impact.

4. INTERIM GENERAL MANAGER'S COMMENTS:

Supports moving forward with the recommendation to accept the proposed Project cost allocation methodology.

5. ENVIRONMENTAL DETERMINATION: N/A

6. ALTERNATIVES:

A. Other cost allocation methodologies could be developed as long as the allocations remain consistent with the Water Sales Agreement between SRWA and TID.



TECHNICAL MEMORANDUM

DATE: November 1, 2016 Project No.: 693-20-16-01.15
SENT VIA: EMAIL

TO: Stanislaus Regional Water Authority Technical Advisory Committee

FROM: Lindsay Smith, PE, RCE #72996

REVIEWED BY: Gerry Nakano, PE, RCE #29524

SUBJECT: Methodology for Allocation of Surface Water Supply Project Costs

The purpose of this memorandum is to establish the methodology for allocating the project costs associated with the Stanislaus Regional Water Authority (SRWA) Surface Water Supply Project (Project). The current participants in Project cost sharing include the cities of Ceres and Turlock and, for SRWA/Turlock Irrigation District shared facilities (termed District Delivery Facilities to be consistent with the SRWA/TID Water Sales Agreement) only, TID is also a cost sharing participant.

The allocation of costs among the participants is dependent on the nature of the specific costs in question. In general, all anticipated Project costs fall into the following categories, each of which has an associated cost allocation percentage split:

- Administrative/Soft Costs
- Phase 1 Capacity Costs
- District Delivery Facilities Costs
- Ceres-Only Costs
- Turlock-Only Costs

The recommended cost allocation percentages associated with each of these categories are summarized in Table 1.

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District Delivery Facilities Costs	26.7	53.3	20
Ceres-Only Costs	100	0	0
Turlock-Only Costs	0	100	0

A detailed set of cost line items is presented in Attachment 1. The line items shown in Attachment 1 fall under the following headings:

- Program Management
- Finance/Funding
- Facilities Planning
- Permitting and Environmental Documentation
- Right-of-Way (ROW) Acquisition
- Infrastructure

The infrastructure category is further subdivided into facilities that will be constructed as part of this Project. Currently the procurement methods and packing of these facilities is being evaluated. The projects to be constructed are as follows:

- District Delivery Facilities
 - Wet Well Project
 - Intake//Raw Water Pump Station
 - Raw Water Pipeline
- Water Treatment Plant
- Ceres Finished Water Pipeline
- Turlock Finished Water Pipeline
- Ceres Local Improvements
- Turlock Local Improvements

ADMINISTRATIVE/SOFT COSTS

The majority of cost line items shown in Attachment 1 fall under the Administrative/Soft Costs category, all of which can be roughly summarized as follows:

- SRWA staff
- Management/communications/coordination/public outreach
- Engineering/technical assistance
- Permitting/environmental (associated with the regional facilities only)
- Water rights
- Funding (for non-Ceres & Turlock-specific funding opportunities)
- Legal/audits
- ROW acquisition (associated with the regional facilities only)

Generally speaking, the above listed activities are required regardless of the overall Project capacity and, therefore, it is recommended that these costs be shared equally between the two cities. TID would have no obligation to contribute to costs under this category.

PHASE 1 CAPACITY COSTS

The Phase 1 capacity will be 30 million gallons per day (mgd), as previously approved by the SRWA Board of Directors (Board). It is expected that Ceres will use one third of the capacity (10 mgd), Turlock will use two thirds (20 mgd), and TID will not use any of the capacity. As a result, the recommended allocation of cost percentages for the Phase 1 capacity costs is 33.3/66.7/0.0 for Ceres, Turlock and TID respectively. As indicated in Attachment 1, the only line item for which the shared Phase 1 allocation of costs applies is the construction of the Water Treatment Plant.

DISTRICT DELIVERY FACILITIES COSTS

According to the SRWA/TID Water Sales Agreement, TID will fund 20 percent of District Delivery Facilities costs. Consistent with the Phase 1 Capacity Cost allocation, it is recommended that the remainder of the costs be split at a 1-to-2 ratio between Ceres and Turlock. As a result, the recommended allocation of cost percentages for the District Delivery Facilities costs is 26.7/53.3/20.0 for Ceres, Turlock and TID respectively.

The shared District Delivery Facilities include the wet well project, the intake and raw water pump station, and the raw water pipeline, as indicated in Attachment 1. In addition to the direct infrastructure costs associated with these items, separate line items are identified for permitting, environmental documentation, and land and right-of way acquisition associated with District Delivery Facilities.

The SRWA Technical Advisory Committee and TID have identified the need to enter into future discussions about how and when payments will be made by each entity for District Delivery

Facilities costs. Following these discussions, this item will be brought to the Board for their input and subsequent action.

CERES-ONLY COSTS

It is proposed that Ceres cover 100 percent of the facilities that directly benefit only Ceres. These items include the Ceres finished water pipeline and the Ceres local improvements (including, but not limited to, the terminal reservoir, booster pump station, and distribution system piping), plus the ancillary costs associated with right-of-way acquisition and Ceres-specific funding opportunities.

TURLOCK-ONLY COSTS

It is proposed that Turlock cover 100 percent of the facilities that directly benefit only Turlock. These items include the Turlock finished water pipeline and the Turlock local improvements (including, but not limited to, the terminal reservoir, booster pump station, and distribution system piping), plus the ancillary costs associated with right-of-way acquisition and Turlock-specific funding opportunities.

ATTACHMENT 1

Cost Allocations by Task

Stanislaus Regional Water Authority Surface Water Supply Project Cost Allocations by Task		Color Legend:		
		Administration/Soft Costs	Phase 1 Capacity Costs	District Delivery Facilities Costs
Task Name	Project Partner			
	Turlock	Ceres	TID	
Program Management				
General Manager Selection	50.0%	50.0%	0.0%	
Discussions with Potential Project Partners	50.0%	50.0%	0.0%	
Public Outreach	50.0%	50.0%	0.0%	
General Management/Administration				
Program Management	50.0%	50.0%	0.0%	
SRWA Board Meetings	50.0%	50.0%	0.0%	
SRWA Staff: Treasurer/Accounting	50.0%	50.0%	0.0%	
SRWA Staff: General Manager	50.0%	50.0%	0.0%	
SRWA Staff: Secretary	50.0%	50.0%	0.0%	
SRWA Staff: General Counsel	50.0%	50.0%	0.0%	
SRWA Staff: TAC - City of Turlock ^(d)	100.0%	0.0%	0.0%	
SRWA Staff: TAC - City of Ceres ^(d)	0.0%	100.0%	0.0%	
Specialty Legal Counsel	50.0%	50.0%	0.0%	
Gov Relations and Public Affairs Consultant	50.0%	50.0%	0.0%	
SRWA Audits	50.0%	50.0%	0.0%	
Incidental Costs	50.0%	50.0%	0.0%	
Finance/Funding				
Funding Strategy	50.0%	50.0%	0.0%	
Preliminary Financial Evaluation of Impact to Existing Rates	50.0%	50.0%	0.0%	
Grant Funding	50.0%	50.0%	0.0%	
State Revolving Fund Loans	50.0%	50.0%	0.0%	
Funding Opportunities - Turlock Facilities	100.0%	0.0%	0.0%	
Funding Opportunities - Ceres Facilities	0.0%	100.0%	0.0%	
Prop 218 Support	50.0%	50.0%	0.0%	
Facilities Planning				
Review Previous Work	50.0%	50.0%	0.0%	
Demand and Supply Analysis	50.0%	50.0%	0.0%	
Water Quality and Infiltration Gallery Evaluation	50.0%	50.0%	0.0%	
TID's Water Right Modifications	50.0%	50.0%	0.0%	
Alignment Study	50.0%	50.0%	0.0%	
Hydraulic Analysis	50.0%	50.0%	0.0%	
Treatment Process Evaluation	50.0%	50.0%	0.0%	
Project Delivery Evaluation	50.0%	50.0%	0.0%	
Schedule Development	50.0%	50.0%	0.0%	
Cost Estimates and Cost Allocations	50.0%	50.0%	0.0%	
Project Definition TM	50.0%	50.0%	0.0%	
Permitting and Environmental Documentation				
CEQA/NEPA - Regional Facilities	50.0%	50.0%	0.0%	
404 Permit and Other Environmental Permits - Regional Facilities	50.0%	50.0%	0.0%	
EIR Technical Assistance - Regional Facilities	50.0%	50.0%	0.0%	
Permit Fees - Regional Facilities	50.0%	50.0%	0.0%	
Identification of Required Regulatory Permits - Regional Facilities	50.0%	50.0%	0.0%	
CEQA/NEPA - District Delivery Facilities	53.3%	26.7%	20.0%	
404 Permit and Other Environmental Permits - District Delivery Facilities	53.3%	26.7%	20.0%	
Permit Fees - District Delivery Facilities	53.3%	26.7%	20.0%	
Identification of Required Regulatory Permits - District Delivery Facilities	53.3%	26.7%	20.0%	
Utility Coordination	50.0%	50.0%	0.0%	

Task Name		Project Partner		
		Turlock	Ceres	TID
ROW Acquisition				
Plats and Legals - District Delivery Facilities		53.3%	26.7%	20.0%
Plats and Legals - Regional Facilities		50.0%	50.0%	0.0%
Plats and Legals - Turlock Facilities		100.0%	0.0%	0.0%
Plats and Legals - Ceres Facilities		0.0%	100.0%	0.0%
Appraisals - District Delivery Facilities		53.3%	26.7%	20.0%
Appraisals - Regional Facilities		50.0%	50.0%	0.0%
Appraisals - Turlock Facilities		100.0%	0.0%	0.0%
Appraisals - Ceres Facilities		0.0%	100.0%	0.0%
Negotiations - District Delivery Facilities		53.3%	26.7%	20.0%
Negotiations - Regional Facilities		50.0%	50.0%	0.0%
Negotiations - Turlock Facilities		100.0%	0.0%	0.0%
Negotiations - Ceres Facilities		0.0%	100.0%	0.0%
Eminent Domain ^(a) - District Delivery Facilities		53.3%	26.7%	20.0%
Eminent Domain ^(a) - Regional Facilities		50.0%	50.0%	0.0%
Eminent Domain ^(a) - Turlock Facilities		100.0%	0.0%	0.0%
Eminent Domain ^(a) - Ceres Facilities		0.0%	100.0%	0.0%
Land/Easement Purchase - District Delivery Facilities		53.3%	26.7%	20.0%
Land/Easement Purchase - Regional Facilities		50.0%	50.0%	0.0%
Land/Easement Purchase - Turlock Facilities		100.0%	0.0%	0.0%
Land/Easement Purchase - Ceres Facilities		0.0%	100.0%	0.0%
Infrastructure				
Wet Well Project ^(b)		53.3%	26.7%	20.0%
Intake/Raw Water Pump Station ^(b,c)		53.3%	26.7%	20.0%
Raw Water Pipeline ^(b,c)		53.3%	26.7%	20.0%
Water Treatment Plant ^(b,c)		66.7%	33.3%	0.0%
Ceres Finished Water Pipeline ^(b,c)		0.0%	100.0%	0.0%
Turlock Finished Water Pipeline ^(b,c)		100.0%	0.0%	0.0%
Ceres Local Improvements ^(b)		0.0%	100.0%	0.0%
Turlock Local Improvements ^(b)		100.0%	0.0%	0.0%
<p>^(a)Only if needed.</p> <p>^(b)Includes but is not limited to the following activities: predesign, procurement document development, geotechnical investigations, design, permitting fees, environmental mitigation costs, construction, project close-out, engineering services during construction, contract oversight, and construction management.</p> <p>^(c)Facilities may be combined into one or more larger projects. Project procurement method may affect project packaging decisions and is still under investigation.</p> <p>^(d)In-kind services are currently being provided by staff from the cities of Ceres and Turlock until SRWA staff is hired.</p>				

From: Michael Brinton, Interim General Manager

Prepared by: Michael Brinton, Interim General Manager

1. ACTION RECOMMENDED:

Motion: Approving Amendment No. 2 to the Agreement for Special Services with West Yost Associates for Raw Water Sampling and Analysis for an amount Not to Exceed \$255,232; Land Surveying and Support Services for an amount Not to Exceed \$298,198; and Right of Way Acquisition Services for an amount Not to Exceed \$169,461; for a total amount of \$722,891.

Resolution: Appropriating \$722,891 to account number 950-53-552.43060_012 "Contract Services – Program Management Services" to be funded via equal contributions from SRWA participating agencies.

2. DISCUSSION OF ISSUE:

Raw Water Sampling and Analysis – In order to evaluate the potential treatment processes, it is necessary to evaluate the water quality. It is proposed to do jar testing, ozone demand testing and manganese removal testing. The results of these tests will allow decisions to be made regarding treatment process alternatives. Trussell Technologies was determined to be best suited to perform these services.

The requested SRWA Board action will amend West Yost's Program Management Services Agreement and appropriate additional funds in an amount Not to Exceed Two Hundred Fifty-Five Thousand Two Hundred Thirty-Two Dollars (\$255,232) so Trussell Technologies may conduct further specialized bench-testing activities.

Land Surveying – Proposals to do this work were received from three firms. GDR Engineering was judged to be best qualified to perform these services by all three reviewers. They are located within the City of Ceres and have experience with this type of survey work.

This work will include obtaining and reviewing title reports, preparation of appraisal maps and coordination with the appraiser, preparation of plat maps and legal descriptions, establish horizontal and vertical control for construction, aerial photography, and topographic mapping.

The requested action will amend West Yost's Program Management Services Agreement and appropriate additional funds in an amount Not to Exceed Two Hundred and Ninety Eight Thousand, One Hundred and Ninety Eight Dollars (\$298,198), so GDR Engineering may conduct Land Surveying activities.

Right of Way Acquisition Services – Proposals to do this work were received from three firms. The proposal from AR/WS was the ranked highest. AR/WS is currently on the City of Turlock's right-of-way on call list.

This work will include preparing appraisals including restorative and crop loss costs, title reports and maps, preparing acquisition documents, meeting with owners, delivering and negotiating offers and title and escrow support.

This requested action will amend West Yost's Program Management Services Agreement and appropriate additional funds in an amount Not to Exceed One Hundred Sixty Nine thousand Four Hundred Sixty One dollars (\$169,461) so AR/WS may conduct Right of Way Acquisition Services.

The total additional funds required for this Amendment will be Seven Hundred Twenty-Two Thousand Eight Hundred Ninety-One Dollars (\$722,891).

3. FISCAL IMPACT / BUDGET AMENDMENT:

The total cost of this amendment is \$722,891 which will be split evenly between the Cities of Ceres and Turlock. This project was not contemplated when the 2016-17 budget was approved; therefore, if the contract amendment is approved, a budget amendment is necessary. Staff requests the approval of an appropriation of \$722,891 to account number 950-53-552.43060_012 "Contract Services – Program Management Services" to be funded via contributions from the SRWA's current participating agencies (Ceres and Turlock). The additional cost will be split 50/50 between each agency in accordance with the JPA Agreement.

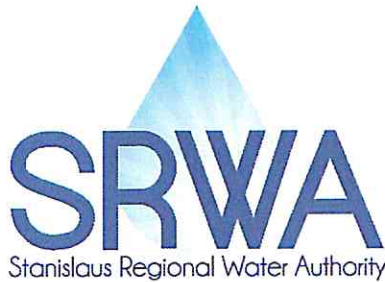
4. INTERIM GENERAL MANAGER'S COMMENTS:

Recommend approval.

5. ENVIRONMENTAL DETERMINATION: N/A

6. ALTERNATIVES:

The alternative would be to postpone further specialized testing of the raw water until a later date which would result in delays in completing the treatment facility design and construction.



**AMENDMENT NO. 2
to the
AGREEMENT FOR SPECIAL SERVICES
between
STANISLAUS REGIONAL WATER AUTHORITY
and
WEST YOST ASSOCIATES
for
PROGRAM MANAGEMENT SERVICES**

THIS AMENDMENT, dated November 10, 2016, is entered into by and between the **STANISLAUS REGIONAL WATER AUTHORITY**, a Joint Powers Authority of the State of California, hereinafter referred to as "SRWA" and **WEST YOST ASSOCIATES**, a Consulting Engineering Firm, hereinafter referred to as "CONSULTANT".

WHEREAS, the parties hereto previously entered into an agreement dated April 13, 2016, whereby CONSULTANT will perform program management services (hereinafter the "Agreement"); and

WHEREAS, the Agreement was amended ("Amendment No. 1") on September 22, 2016, in the amount of One Hundred Five Thousand and no/100 Dollars (\$105,000); and

WHEREAS, the parties have identified the need to conduct Raw Water Sampling and Analysis for an amount Not to Exceed \$255,232; Land Surveying and Support Services for an amount Not to Exceed \$298,198; and Right of Way Acquisition Services for an amount Not to Exceed \$169,461; for a total amount of \$722,891.

NOW, THEREFORE, the parties hereto mutually agree to amend said Agreement as follows:

1. Paragraph 1 of the Agreement is amended to read as follows:

"1. **SCOPE OF SERVICES:** CONSULTANT shall undertake and complete the preparation of the scope of work as set forth and described in the documents attached to the Agreement as Exhibit A, and the additional scope of work as set forth and described in the documents attached to Amendment No. 1, and the additional scope of work as set forth and described in the documents attached to this Amendment No. 2 as Attachment A. The CONSULTANT shall perform the services as described in Exhibit A attached to the Agreement, Attachment A attached to Amendment No. 1, and Attachment A to this Amendment No. 2, in a manner compatible with the standards of its profession, and shall produce a fully complete project that is acceptable to the SRWA."

2. Paragraph 4 of the Agreement is amended to read as follows:

"4. **COMPENSATION:** SRWA agrees to pay CONSULTANT additional compensation in the amount of **Seven Hundred Twenty-Two Thousand Eight Hundred Ninety-One Dollars (\$722,891)** in accordance with Attachment B attached hereto and made a part hereof. The compensation for completion of all items of work, as set forth in the Agreement and in Amendment No. 1 and Amendment No. 2 shall not exceed **Two Million Eight Hundred Thirty-Five Thousand Three Hundred Sixty-Three and 50/100 Dollars (\$2,835,363.50)** which includes a ten percent contingency as set forth in the Agreement. Such maximum amount shall be compensation for all of CONSULTANT's expenses incurred in the performance of the Agreement, and Amendment No. 1, and this Amendment No. 2."

3. Paragraph 5 of the Agreement is amended to read as follows

"5. **TERM:** This Agreement shall become effective April 15, 2016, and end upon satisfactory completion, as determined by the SRWA, of the entire Scope of Work as set forth in the Agreement and this Amendments No. 1 and No. 2."

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized.

**STANISLAUS REGIONAL
WATER AUTHORITY,**
a Joint Powers Authority

WEST YOST ASSOCIATES,
a Consulting Engineering Firm

By _____
Gary Soiseth, Board Chair

By _____

Date: _____

Name _____

Title _____

APPROVED AS TO FORM:

Date _____

By _____
Phaedra A. Norton, Interim General Counsel

Date _____

ATTEST:

By _____
Tish Foley, Board Secretary

Date _____

Attachment "A"

ADDITIONAL SCOPE OF WORK

Raw Water Sampling and Analysis

To further evaluate and refine the available treatment process alternatives that remain under consideration, a variety of bench-scale tests will be taken to fill in information gaps. The activities include jar testing, ozone demand testing and manganese removal testing. The results of these tests will yield information that would not otherwise be available from the analysis of raw water samples and assist in making better informed decisions regarding available treatment process alternatives.

Land Surveying

This will include obtaining and reviewing title reports to resolve boundaries, coordination with property owners, monument preservation, preparation of appraisal maps and coordination with the appraiser, preparation of plat maps and legal descriptions, establish horizontal and vertical control, provide aerial photography and topographic maps of the project area.

Right of Way Acquisition Services

This will include the preparation of appraisals which includes restorative and crop loss costs, develop contracts, review title reports and maps, preparation of acquisition documents, meetings with property owners, delivering and negotiating offers and title and escrow support.

Attachment "B"
COMPENSATION

Subconsultant	Scope of Work	Not to Exceed Amount
Trussell Technologies	Raw Water Sampling and Analysis	\$255,232
GDR Engineering	Land Surveying	\$298,198
AR/WS	Right of Way Acquisition	\$169,461
<i>Total Amount of Amendment No. 2</i>		\$722,891



BEFORE THE BOARD OF THE STANISLAUS REGIONAL WATER AUTHORITY

**IN THE MATTER OF APPROPRIATING \$722,891 }
TO ACCOUNT NUMBER 950-53-552.43060_012 }
"CONTRACT SERVICES - PROGRAM }
MANAGEMENT SERVICES" TO BE FUNDED VIA }
EQUAL CONTRIBUTIONS FROM SRWA }
PARTICIPATING AGENCIES }**

RESOLUTION NO. 2016-xxx

WHEREAS, on March 24, 2016 the SRWA Board selected West Yost Associates as the best qualified consultant to provide Program Management Services for the SRWA; and

WHEREAS, by a separate action, the SRWA Board approved an agreement between the SRWA and West Yost Associates for Program Management Services in an amount not to exceed \$2,007,472; and

WHEREAS; effective September 22, 2016 Amendment No.1 to the agreement was approved in an amount of \$105,000 bringing the contract total up to \$2,112,472.50; and

WHEREAS, it is necessary to have additional work performed by the consultant that will include Raw Water Sampling and Analysis, Land Surveying and Right of Way Acquisition Services; and,

WHEREAS, this work was not contemplated when the 2016-17 budget was prepared; therefore a budget amendment is now necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of the Stanislaus Regional Water Authority does hereby appropriate \$722,198 to account number 950-53-552.43060_012 "Contract Services – Program Management Services". The cost for this appropriation will be split evenly 50/50 between the current SRWA participating agencies in accordance with the JPA Agreement. The revised contract is for a total not to exceed \$2,835,363.50.

PASSED AND ADOPTED at a regular meeting of the Board of the Stanislaus Regional Water Authority this 10th day of November, 2016, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

Tish Foley, Board Secretary