



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: FLOOD PROTECTION
CONTACT: JOE SETO/JEFF TANG

AGENDA DATE: August 16, 2017

ITEM NO. 7f

SUBJECT: Joint Community Facilities Agreement between Zone 7, City of Dublin, and Dublin Crossing, LLC

SUMMARY:

- At the June 2017 Zone 7 Board meeting, the Board authorized the General Manager to negotiate:
 - A Reimbursement Agreement for the construction of the Camp Parks Detention Basin;
 - An Endowment Agreement to compensate Zone 7 for assuming long-term management, monitoring, and reporting responsibilities; and
 - The execution of Right-of-Way agreements for Chabot Canal and Canal 2 (Line G-2) within the Dublin Crossing development, as part of Zone 7 assuming the duties of Land Manager for the Conservation Easement.
- On July 18, 2017, Dublin's City Council adopted an ordinance levying special taxes and authorized the issuance of a Special Tax Bond for the capital improvements in Dublin Crossing.
- In addition, the City Council authorized both an Acquisition Agreement between the City and Dublin Crossing, LLC, and a Joint Community Facilities Agreement between the City, Dublin Crossing, LLC, and Zone 7
- The Joint Community Facilities Agreement provides the means for transferring ownership of authorized public capital facilities and acknowledges authorized public capital facilities, as well as transfer of access easements to access the public capital facilities.
- Staff recommends the Zone 7 Board authorize the General Manager to enter into the Joint Community Facilities Agreement with the City of Dublin and Dublin Crossing, LLC.

FUNDING:

There are no additional funding requirements associated with being part of the Joint Community Facilities Agreement

RECOMMENDED ACTION:

Adopt the attached resolution.

ATTACHMENTS:

Memorandum and Resolution

Interoffice Memo

Date: August 16, 2017
To: Jill Duerig, General Manager
From: Jeff Tang, Associate Civil Engineer
Subject: Joint Community Facilities Agreement between Zone 7, City of Dublin, and Dublin Crossing, LLC

BACKGROUND:

At the June 21, 2017 Zone 7 Board meeting, as part of the Camp Parks Detention Basin project, the Board authorized the GM to: 1) Enter into Perpetual Endowment Agreement to fund the long-term monitoring, maintenance, and reporting duties for several Conservation Easement areas associated with the Dublin Crossing development; 2) Execute Right-of-Way agreements as part of its responsibilities as the Chabot Canal and Canal 2 Land Manager for the Conservation Easement & Operator of the Camp Parks Detention Basin; and 3) Negotiate and execute the Developer Reimbursement Agreement & Guarantee for the Camp Parks Detention Basin.

On July 11, 2017, Zone 7 received a draft of the Joint Community Facilities Agreement (JCFA) from the City of Dublin (City) for review and comment prior to the JCFA being brought to their City Council. On July 18, 2017, Dublin's City Council adopted an ordinance levying special taxes within a new Community Facilities District No. 2017-1 (Dublin Crossings) and authorized the City Manager to proceed with: 1.) The issuance of bonds for the Dublin Crossing development; 2.) An Acquisition Agreement between the City and the Developer, to allow the disbursement of bond funds for authorized public capital facilities and fees; and 3.) The execution of the JCFA between Zone 7, the City, and the Developer. The special taxes will be used for public street lighting and public landscaping within the development. Since some of the landscaping is a City obligation on what will become Zone 7 property, a JCFA to clarify roles was proposed by the City.

DISCUSSION:

Staff reviewed the JCFA and has provided edits to the document to clarify Zone 7's involvement in the JCFA. The JCFA states: 1.) That Dublin Crossing, LLC, is the master developer of the Dublin Crossing development; 2.) The Dublin Crossing development is located within a Community Facilities District (CFD) created by the City of Dublin; 3.) The City of Dublin has set up Special Tax Bonds for the CFD to pay for authorized public capital facilities and related impact fees collected; 4.) Dublin Crossing, LLC, is providing improvements within the CFD which are identified as authorized capital facilities; 5.) Dublin Crossing, LLC, will be transferring authorized public capital facilities to Zone 7; 6.) Dublin Crossing, LLC, is responsible for authorized public capital facilities impact fees paid to Zone 7; 7.) The City of Dublin and Dublin Crossing, LLC, will be transferring access easements to Zone 7 for access to the authorized public capital facilities received from Dublin Crossing, LLC; 8.) City has determined that residents residing in the CFD will benefit from the authorized public capital facilities and related impact fees; 9.) The City of Dublin is authorized to assist with the financing of the public capital facilities and related impact fees that are to be transferred to Zone 7; and 10.) Bond funds will be disbursed to Dublin Crossing, LLC, from the City of Dublin, after satisfactory completion and transfer of the public capital facilities to Zone 7.

FUNDING:

No funding requirement associated with action.

RECOMMENDED ACTION:

Adopt attached Resolution to authorize the General Manager to execute the Joint Community Facilities Agreement with the City of Dublin and Dublin Crossing, LLC

ZONE 7
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

RESOLUTION NO.

INTRODUCED BY
SECONDED BY

Joint Community Facilities Agreement between Zone 7, City of Dublin, and Dublin Crossing, LLC

WHEREAS, the Zone 7 Board authorized the GM to enter into an Endowment Agreement, accept Right-of-Way, and enter into a Developer Reimbursement Agreement with regards to the Camp Parks Detention Basin and associated Dublin Crossing Development on June 21, 2017; and

WHEREAS, the City of Dublin requested on July 11, 2017 that Zone 7 also become a party to a Joint Community Facilities Agreement (JFCA) with the City of Dublin and the Dublin Crossing Developer (Dublin Crossing, LLC), for the purposes of formally documenting the proposed transfer of authorized public capital facilities from Dublin Crossing, LLC, to Zone 7; and

WHEREAS, the JFCA also serves to formally document the proposed transfer of access easements from the City and Dublin Crossing, LLC, to Zone 7, to enable Zone 7 to access the aforementioned authorized public capital facilities and to clarify the City's funding approach;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District does hereby authorize the General Manager to negotiate and execute the Joint Community Facilities Agreement between Zone 7, the City of Dublin, and Dublin Crossing, LLC.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District on August 16, 2017.

By: _____
President, Board of Directors