

## ADDITIONAL INFORMATION REQUESTED BY THE BAC

### **1. Information regarding the difference between Real Estate being first contact instead of CPRU:**

- A source of miscommunication are call-in inquiries from the general public. Real Estate Services Unit (RESU) frequently has calls forwarded to it by the receptionist staff that should really be directed to Community Projects Review Unit (CPRU), Wells, or Vegetation Management. RESU is planning to work with these units and the Business Support Unit to update their contact list to assure that each public inquiry is forwarded to the appropriate unit for a response.
- CPRU is the initial point of contact when an outside developer, individual or other agency wants to acquire or use a property right from Valley Water, such as an easement, fee, or temporary/encroachment permit.
- RESU is the initial point of contact when Valley Water wants to acquire a real property right from a private owner or other public agency, such as an easement, fee, or temporary permit.

As recommended in the audit report, RESU is planning to work with the Office of Communications to create a webpage site on valleywater.org to provide information to the public about the Real Estate Services Unit and the real estate acquisition process and property owner rights, including a FAQ page and related standard brochure, “When the Water District Buys Your Property”.

### **2. Information regarding best practices regarding environmental assessments taking six months or if there is room for improvement:**

- Valley Water’s Hazardous Substance Liability Assessments (HSLAs) or Environmental Site Assessments (ESA’s, known industry-wide) are conducted for all properties to be acquired by Valley Water through purchase, temporary and permanent easement, lease, gift, grant, or dedication, and for properties sold by Valley Water as “excess lands”. The Valley Water property transaction typically involves acquiring properties located along creeks and channels for purposes of ingress/egress and construction of water supply, flood protection, or stream stewardship.
- **Private versus Public Agency ESA/HSLA Requirements:** The ESA/HSLA requirements are the same for private entities and public agencies for commercial property transactions. Benchmarking: Local Bay Area Public Agencies that acquire real estate on a regular basis like Valley Water and conduct ESAs/HSLAs, include: Santa Clara Valley Transportation Authority, Santa Clara County Open Space Trust,

City and County of San Francisco, Port of San Francisco, City of Oakland, Port of Oakland, and City of San Jose.

- **Is Valley Water doing more than we need to?** No. HSLA waivers are performed on a case-by-case basis, where warranted, to minimize cost. An HSLA Waiver is recommended if a recent HSLA was performed by others, or where the property to be acquired is in a rural setting and presents limited potential for environmental concerns and financial liability for cleanup upon acquisition. Although HSLAs are recommended for all types of acquisitions (fee/title, temporary and permanent easement, lease, gift, grant, or dedication), the HSLA Waiver process is used on a case-by-case basis, to ensure that HSLAs are only performed where warranted to minimize cost.

**3. Information regarding the frequency and extent of District Counsel's review throughout the real estate transaction process to increase efficiency:**

- As recommended by the audit report, to increase service delivery timeliness of real estate agreements and documents through legal review, RESU is planning to request Legal Counsel staff to help create standard right of way agreement templates for the different types of right of way transactions, consistent with industry-wide best practices.
- Additionally, a monthly check-in meeting with RESU, CPRU and Legal Counsel staff will be implemented to go over outstanding requests and discuss current priority projects.
- To increase legal review and turn around efficiency, RESU will consider developing a request form and tracking mechanism for requesting legal review of real estate transactions. This system would help manage the number and types of requests coming in, assign a priority, and an automated list could be generated knowing how many real estate items are under review with an estimated completion date. The current process is simply an email to a Legal Counsel staff requesting review.