



**Contra  
Costa  
County**

To: Contra Costa County Flood Control District Board of Supervisors

From: Julia R. Bueren, Public Works Director/Chief Engineer

Date: December 6, 2016

Subject: Reimbursement Agreement with Tri Pointe Homes, Inc., for Drainage Area 52C Improvements, Brentwood area. Project No. 7571-6D8703

### **RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Chair, Board of Supervisors, as governing board of the Contra Costa County Flood Control and Water Conservation District (FC District), to execute a reimbursement agreement with Tri Pointe Homes, Inc., in an amount not to exceed \$866,170, for the period of December 6, 2016 through December 6, 2026, for Drainage Area 52C improvements, Brentwood area.

### **FISCAL IMPACT:**

The reimbursement will be made from Drainage Area 52C (DA 52C) funds, which are collected pursuant to Contra Costa County Ordinance No. 2007-11.

### **BACKGROUND:**

Tri Pointe Homes, Inc., constructed off-tract storm drain improvements, which are part of Subdivision 8548. Subdivision 8548 is within the jurisdiction of the City of Brentwood (City). The City's conditions of approval for these subdivisions required the developers to install a portion of the drainage facilities shown on the adopted Drainage Plan for DA 52C.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/06/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 6, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Tim Jensen, (925)  
313-2390

The facilities were

BACKGROUND: (CONT'D)

installed per the approved plans.

The cost to install these facilities exceeded the amount of the drainage fee required by the drainage fee ordinance for DA 52C (Contra Costa County Ordinance No. 2007-11).

Since the FC District has a Drainage Plan and a Drainage Area Credit and Reimbursement Policy (Policy) for DA 52C, Tri Pointe Homes, Inc., is entitled to reimbursement of the drainage facility construction costs in excess of its drainage fees, as provided for in the Policy.

As stated in Exhibit "A" of the agreement, the reimbursement obligation is effective for a base period of ten years (i.e., 40 quarters) from the date that the first payment is made under the agreement.

CONSEQUENCE OF NEGATIVE ACTION:

Without the approval of the Board of Supervisors, the FC District will not reimburse Tri Pointe Homes, Inc., as required under the Policy.

ATTACHMENTS

Reimbursement Agreement