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August 1, 2019

Board of Directors
Knightsen Town Community Services District (KTCSD)
P.O. Box 763
Knightsen, CA 94548-0763

Dear Chair Bell-Kunkel and KTCSD Board of Directors,

The East Bay Regional Park District (Park District) is preparing a conditional license agreement (agreement) between KTCSD and the Park District to address the discharge of flood waters from the community of Knightsen onto the former Nunn property (APN 020-172-004), now owned by the Park District. The agreement will allow KTCSD to continue to discharge flood waters for future flooding events, with the understanding that KTCSD is responsible for the placement, operation, and maintenance of the pumps for pumping the flood waters into No Name Slough, and any repairs to the drainage ditch, with advanced notice to and in consultation with the Park District prior to entering the property and prior to any proposed work being done. The agreement will also outline the Park District's expectations for proper analysis of flood water entry points along Delta Road and any other proposed locations along the former Nunn property to ensure that the location of drainage notches be located in a manner designed to avoid inadvertent harm to the property, neighboring homes or properties, based on field data and analysis of the existing berm, elevations, and locations of adjacent structures.

The Park District is partnering with the East Contra Costa County Habitat Conservancy on designing a large-scale restoration and flood protection project on the property. Because the conditions of the property may change, the conditional license agreement will have a term of three years, with three one-year options to be extended at the agreement of both parties. The project is currently being designed to manage the flood waters from the community of Knightsen, and after the project is completed, the Park District anticipates modifying the conditional license agreement to be consistent with the new site conditions.

The agreement will replace the Memorandum of Understanding (MOU) that KTCSD had with the former property owner, Ron Nunn Farms. That MOU acted as an Emergency Contingency Flood plan in the event of flooding conditions that endangered life, property and roads. The MOU indicated that the property owner, Ron Nunn Farms, discharged the flood waters into No Name Slough and was reimbursed for all reasonable expenses. Since the Park District became the property owner in 2016, the Park District continued to operate under the MOU as a courtesy to KTCSD. However, an updated agreement between KTCSD and the current Nunn property owner, the Park District, is needed before any further discharges to the Park District property can occur.

Board of Directors

Ayn Wieskamp President Ward 5	Ellen Corbett Vice-President Ward 4	Dee Rosario Treasurer Ward 2	Colin Coffey Secretary Ward 7	Whitney Dotson Ward 1	Dennis Waespi Ward 3	Beverly Lane Ward 6	Robert E. Doyle General Manager
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The Park District expects KTCSD will provide reimbursements for expenses that the Park District incurred during the previous 2018/2019 rainy season pertaining to the management of floodwaters discharged to the Nunn property. For your review, please see the attached invoice. In addition to cost for fuel, expenses incurred also include rental equipment and staff time totaling 55 hours. The Park District anticipates that the reimbursement be addressed before the conditional license agreement takes effect. The Park District is currently investing greater than \$50,000 for road improvements to provide all-weather access to pumps. The improvements will be completed before the next storm season.

The Park District will send a draft of the conditional license agreement to KTCSD in the next few weeks, once it has been finalized. The Park District looks forward to refining the terms of agreement with KTCSD. Please do not hesitate to contact Neoma Lavalley at nlavalle@ebparks.org or 510-544-2626 with any questions regarding this letter or the attached invoice.

Sincerely,



Kristina Kelchner
Assistant General Manager
Acquisition | Stewardship | Development Division

Encl.

cc: Abigail Fateman, Executive Director of East Contra Costa County Habitat Conservancy
Brian Holt, Chief of Planning & GIS
Neoma Lavalley, Principal Planner
Dan Cuning, Delta Unit Manager
Carol Victor, District Counsel

EAST BAY REGIONAL PARK DISTRICT

DRAFT INVOICE

Remit To:

East Bay Regional Park District
Attn: Accounts Receivable
P.O. Box 5381
Oakland, CA 94605-0381
1-888-EBPARKS



KNIGHTSEN TOWN CSD
ATTN:
P.O. BOX 763
KNIGHTSEN, CA 94548

Customer No. 100924
Date 07/24/19
Invoice No. AR127340

Other Charges**6,233.41**

RAIN FOR RENT - EMERGENCY DEWATERING PUMP FOR
ONE WEEK 2/26/19 = \$1,994.15
DIESEL FUEL FOR PUMP = \$793.88
ROYAL BRASS - EQUIPMENT FOR PUMP REFUELING = \$206.49
TRACTOR COMPANY - RUBBER BOOTS = \$173.19
STAFF TIME MANAGING FLOOD WATER DISCHARGE:
\$55.74 x 55 HOURS = \$3,065.70

TOTAL AMOUNT DUE: \$6,233.40

Total Due For This Invoice:**6,233.41**

A LATE CHARGE WILL BE ASSESSED ON AMOUNTS UNPAID 30 DAYS AFTER DATE OF INVOICE
AT THE RATE OF 1% PER MONTH OR FRACTION THEREOF OR PER CONTRACT TERMS

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type See Specific instructions on page 2.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. EAST BAY REGIONAL PARK DISTRICT	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input checked="" type="checkbox"/> Other (see instructions) ▶ SPECIAL DISTRICT	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) 2950 PERALTA OAKS COURT	Requester's name and address (optional)
	6 City, state, and ZIP code OAKLAND, CA 94605-0381	
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number									
			-				-		
or									
Employer identification number									
9	4		-	6	0	0	0	5	9

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.