

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
AMENDMENT NO. 1 TO THE EAST BAY PLAIN SUBBASIN GROUNDWATER  
SUSTAINABILITY PLAN IMPLEMENTATION AGREEMENT BETWEEN THE  
CITY OF HAYWARD AND EAST BAY MUNICIPAL UTILITY DISTRICT

WHEREAS, the California Legislature adopted, and the Governor signed into law, the Sustainable Groundwater Management Act of 2014 (SGMA), which authorizes local agencies to ensure sustainable management of groundwater resources; and

WHEREAS, SGMA requires that by January 31, 2022, all groundwater basins designated by the California Department of Water Resources (DWR) as high- or medium-priority basins be managed under a single Groundwater Sustainability Plan (GSP), coordinated GSPs prepared by the Groundwater Sustainability Agency (GSA) or Agencies managing the basin, or an alternative plan, as provided for in Cal. Water Code Section 10720.7(a); and

WHEREAS, the East Bay Plain Subbasin 2-009.04 is subject to the provisions of SGMA; and

WHEREAS, the City of Hayward (City) and EBMUD are the exclusive GSAs for their respective management areas in the East Bay Plain Subbasin; and

WHEREAS, the City and EBMUD entered into a Cooperating Agreement on June 25, 2018, to prepare a single GSP for the East Bay Plain Subbasin, and the Cooperating Agreement was subsequently amended on March 19, 2019, December 22, 2020, and November 19, 2021; and

WHEREAS, the Hayward City Council adopted the GSP on December 7, 2021, and the EBMUD Board of Directors adopted the GSP on December 14, 2021; and

WHEREAS, as part of the development of the Cooperating Agreement, as amended, the City and EBMUD planned to develop and enter into a subsequent agreement to implement the GSP on November 17, 2022 to allocate costs related to preparation of the GSP Annual Reports and certain other activities as may be deemed necessary to ensure coordinated management and compliance with SGMA in the East Bay Plain Subbasin; and

WHEREAS, Water Code Section 10728.2 and Section 356.4 of the DWR regulations require GSAs to evaluate GSPs every five years to assess the implementation of the GSP and achievement of the objectives and describe any significant new information that has been made available (referred to as the Periodic Evaluation); and

WHEREAS, the GSAs have determined that in addition to the Periodic Evaluation, the 2022 GSP must be amended to address DWR's recommended corrective actions related to updating certain sustainable management criteria, which are the metrics that guide groundwater basin sustainability; and

WHEREAS, the GSAs will engage Luhdorff & Scalmanini Consulting Engineers (Consultant) to prepare the East Bay Plain Subbasin GSP Periodic Evaluation and Amendment, which must be completed and submitted to DWR by January 31, 2027; and

WHEREAS, EBMUD will serve as the contracting agency with Consultant; and

WHEREAS, the City and EBMUD have reached agreement on the provisions of an Amended Implementation Agreement, including fair and equitable cost allocation; and

WHEREAS, the City's cost share for activities in the Amended Implementation Agreement is estimated to be \$122,032; and

WHEREAS, funds for the Groundwater Sustainability Plan Implementation Activities are available in the City of Hayward's adopted Fiscal Year 2026 Capital Improvement Program budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute Amendment No. 1 to the East Bay Plain Subbasin Groundwater Sustainability Plan Implementation Agreement between the City of Hayward and East Bay Municipal Utility District, in a form approved by the City Attorney, with EBMUD to work cooperatively to implement the East Bay Plain Subbasin GSP.

